J O U R N A L

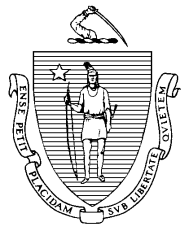
OF THE

HOUSE OF REPRESENTATIVES

OF

The Commonwealth of Massachusetts

2009-2010



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— 2010 —

LIST OF PERSONS ELECTED AS MEMBERS OF THE HOUSE OF REPRESENTATIVES FOR THE YEARS 2009 — 2010.

D — Democrat. R — Republican.

• Barnstable County •

District 1 — Cleon H. Turner (D) of Dennis —
Brewster; Dennis; Yarmouth: Precincts 1, 2, 4, 7.

District 2 — Demetrius J. Atsalis (D) of Barnstable —
Barnstable: Precincts 1, 2, 3, 4, 6, 8, 9, 13; Yarmouth: Precincts 3, 5, 6.

District 3 — Matthew C. Patrick (D) of Falmouth —
Barnstable: Precincts 5, 7; Bourne: Precincts 5, 6; Falmouth: Precincts 3, 4, 7, 8, 9; Mashpee: Precincts 2, 4, 5.

District 4 — Sarah K. Peake (D) of Provincetown —
Chatham; Eastham; Harwich; Orleans; Provincetown; Truro; Wellfleet.

District 5 — Jeffrey Davis Perry (R) of Sandwich —
Barnstable: Precincts 10, 11, 12; Bourne: Precinct 4; Mashpee: Precincts 1, 3; Sandwich.

• Barnstable, Dukes and Nantucket Counties •

Barnstable, Dukes and Nantucket — Timothy R. Madden (D) of Nantucket —
Falmouth: Precincts 1, 2, 5, 6 (Barnstable Co.); Chilmark (Dukes Co.); Edgartown (Dukes Co.); Aquinnah (Dukes Co.); Gosnold (Dukes Co.); Oak Bluffs (Dukes Co.); Tisbury (Dukes Co.); West Tisbury (Dukes Co.); Nantucket (Nantucket Co.).

• Berkshire County •

District 1 — Daniel E. Bosley (D) of North Adams —
Adams; Clarksburg; Florida; North Adams; Savoy; Williamstown; Charlemont (Franklin Co.); Hawley (Franklin Co.); Heath (Franklin Co.); Monroe (Franklin Co.); Rowe (Franklin Co.).

District 2 — Denis E. Guyer (D) of Dalton —
Becket; Cheshire; Dalton; Hancock; Hinsdale; Lanesborough; New Ashford; Peru; Richmond; Washington; Windsor; Pittsfield: Ward 1: Precinct B; Ashfield (Franklin Co.); Bernardston (Franklin Co.); Buckland (Franklin Co.); Colrain (Franklin Co.); Leyden (Franklin Co.); Northfield (Franklin Co.); Shelburne (Franklin Co.); Cummington (Hampshire Co.); Middlefield (Hampshire Co.); Plainfield (Hampshire Co.).

District 3 — Christopher N. Speranzo (D) of Pittsfield —
Pittsfield: Ward 1: Precinct A, Wards 2, 3, 4, Ward 5: Precinct A, Wards 6, 7.

District 4 — William Smitty Pignatelli (D) of Lenox —
Alford; Egremont; Great Barrington; Lee; Lenox; Monterey; Mount Washington; New Marlborough; Otis; Pittsfield: Precinct 5B; Sandisfield; Sheffield; Stockbridge; Tyringham; West Stockbridge; Blandford (Hampden Co.); Chester (Hampden Co.); Tolland (Hampden Co.).

• BRISTOL COUNTY •

DISTRICT 1 — F. JAY BARROWS (R) OF MANSFIELD —
Mansfield: Precincts 1, 3, 6; Norton: Precincts 3, 4, 5; Foxborough (Norfolk Co.).

DISTRICT 2 — BILL BOWLES (D) OF ATTLEBORO —
Attleboro: Wards 1, 2; Ward 3: Precinct A; Wards 4, 5, 6.

DISTRICT 3 — JAMES H. FAGAN (D) OF TAUNTON —
Taunton: Ward 1: Precinct B, Wards 2, 3, 5, 7, 8.

DISTRICT 4 — STEVEN J. D'AMICO (D) OF SEEKONK —
Norton: Precinct 1; Rehoboth; Seekonk; Swansea: Precincts 1, 3, 4, 5.

DISTRICT 5 — PATRICIA A. HADDAD (D) OF SOMERSET —
Dighton; Somerset; Swansea: Precinct 2; Taunton: Ward 1: Precinct A, Ward 4: Precinct B, Ward 6.

DISTRICT 6 — DAVID B. SULLIVAN (D) OF FALL RIVER —
Berkley; Fall River: Ward 4: Precinct C, Ward 7: Precincts A, C, D, Ward 8: Precincts B, C, D, Ward 9: Precincts A, B, C; Freetown: Precinct 1.

DISTRICT 7 — KEVIN AGUIAR (D) OF FALL RIVER —
Fall River: Ward 1: Precincts B, C, D, Ward 2: Precincts A, B, C, Ward 3: Precincts A, B, C, Ward 4: Precincts A, B, Ward 5: Precinct A.

DISTRICT 8 — MICHAEL J. RODRIGUES (D) OF WESTPORT —
Fall River: Ward 1: Precinct A, Ward 5: Precincts B, C, Ward 6: Precincts A, B, C, Ward 7: Precinct B, Ward 8: Precinct A; Westport.

DISTRICT 9 — JOHN F. QUINN (D) OF DARTMOUTH —
Dartmouth; Freetown: Precinct 2; New Bedford: Ward 3: Precincts F, G; Lakeville: Precinct 1 (Plymouth Co.).

DISTRICT 10 — WILLIAM M. STRAUS (D) OF MATTAPOISETT —
Fairhaven; Marion (Plymouth Co.); Mattapoisett (Plymouth Co.); Rochester (Plymouth Co.); Middleborough: Precincts 3, 6 (Plymouth Co.).

DISTRICT 11 — ROBERT M. KOCZERA (D) OF NEW BEDFORD —
Acushnet; New Bedford: Ward 1: Precincts A, B, C, D, E, Ward 2.

DISTRICT 12 — STEPHEN R. CANESSA (D) OF NEW BEDFORD —
Freetown: Precinct 3; New Bedford: Ward 1: Precincts F, G, Ward 3: Precincts A, B, C, D, E, Ward 4: Precincts D, E; Taunton: Ward 4: Precinct A; Lakeville: Precincts 2, 3, (Plymouth Co.); Middleborough: Precincts 2, 4, (Plymouth Co.).

DISTRICT 13 — ANTONIO F. D. CABRAL (D) OF NEW BEDFORD —
New Bedford: Ward 4: Precincts A, B, C, F, G, Wards 5, 6.

DISTRICT 14 — ELIZABETH A. POIRIER (R) OF NORTH ATTLEBOROUGH —
Attleboro: Ward 3: Precinct B, Mansfield: Precincts 2, 5; North Attleborough; Norton: Precinct 2.

• ESSEX COUNTY •

DISTRICT 1 — MICHAEL A. COSTELLO (D) OF NEWBURYPORT —
Amesbury; Salisbury; Newburyport.

• ESSEX COUNTY *(Continued)* •

DISTRICT 2 — HARRIETT L. STANLEY (D) OF WEST NEWBURY —
Georgetown: Precinct 1; Groveland; Haverhill: Ward 4: Precinct 3, Ward 7: Precincts 1, 3; Merrimac; Newbury; Rowley; West Newbury.

DISTRICT 3 — BRIAN S. DEMPSEY (D) OF HAVERHILL —
Haverhill: Ward 1, Ward 2: Precinct 3, Ward 3, Ward 4: Precincts 1, 2, Ward 5: Precincts 1, 3, Ward 6.

DISTRICT 4 — BRADFORD HILL (R) OF IPSWICH —
Boxford: Precincts 1, 3; Hamilton; Wenham; Ipswich; Manchester-by-the-Sea; Middleton: Precinct 2.

DISTRICT 5 — ANN-MARGARET FERRANTE (D) GLOUCESTER —
Essex; Rockport; Gloucester.

DISTRICT 6 — MARY E. GRANT (D) OF BEVERLY — BEVERLY.

DISTRICT 7 — JOHN D. KEENAN (D) OF SALEM — SALEM.

DISTRICT 8 — LORI A. EHRLICH (D) MARBLEHEAD —
Lynn: Ward 3: Precinct 4, Ward 4: Precinct 4; Marblehead; Swampscott.

DISTRICT 9 — MARK V. FALZONE (D) OF SAUGUS —
Lynn: Ward 1: Precincts 1, 2; Lynnfield: Precinct 2; Saugus: Precincts 1, 2, 4, 5, 6, 7, 8, 9; Wakefield: Precincts 1, 2, 7 (Middlesex Co.).

DISTRICT 10 — ROBERT F. FENNELL (D) OF LYNN —
Lynn: Ward 1: Precincts 3, 4, Ward 2, Ward 3: Precincts 1, 2, 3, Ward 4: Precincts 1, 2, 3, Ward 5: Precinct 3.

DISTRICT 11 — STEVEN M. WALSH (D) OF LYNN —
Lynn: Ward 5: Precincts 1, 2, 4, Wards 6, 7; Nahant

DISTRICT 12 — JOYCE A. SPILIOTIS (D) OF PEABODY —
Peabody: Wards 1, 2, 3, 4, 5.

DISTRICT 13 — THEODORE C. SPELIOTIS (D) OF DANVERS —
Danvers; Topsfeld; Peabody: Ward 6.

DISTRICT 14 — DAVID M. TORRISI (D) OF NORTH ANDOVER —
Lawrence: Ward A, Precincts 1, 3, Ward E, Precincts 2, 3, Ward F, Precincts 1, 2, 4; North Andover: Precincts 1, 2, 3, 4, 5, 6.

DISTRICT 15 — LINDA DEAN CAMPBELL (D) OF METHUEN —
Methuen: Precincts 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12.

DISTRICT 16 — WILLIAM LANTIGUA (D) OF LAWRENCE —
Lawrence: Ward A, Precincts 2, 4, Wards B, C, Ward D, Precincts 3, 4, Ward F, Precinct 3.

DISTRICT 17 — BARRY R. FINEGOLD (D) OF ANDOVER —
Andover: Precincts 2, 3, 4, 5, 6, 9; Lawrence: Ward D, Precincts 1, 2, Ward E, Precincts 1, 4; Tewksbury: Precincts 3, 3A (Middlesex Co.).

DISTRICT 18 — BARBARA A. L'ITALIEN (D) OF ANDOVER —
Andover: Precincts 1, 7, 8; Boxford: Precinct 2; Georgetown: Precinct 2; Haverhill: Ward 2: Precincts 1, 2, Ward 5: Precinct 2, Ward 7: Precinct 2; Methuen: Precinct 7; North Andover: Precincts 7, 8.

• FRANKLIN COUNTY •

DISTRICT 1 — STEPHEN KULIK (D) OF WORTHINGTON —
Conway; Deerfield; Leverett; New Salem; Shutesbury; Sunderland; Wendell; Whately; Belchertown: Precincts A, D (Hampshire Co.); Chesterfield (Hampshire Co.); Huntington (Hampshire Co.); Pelham (Hampshire Co.); Williamsburg (Hampshire Co.); Worthington (Hampshire Co.).

DISTRICT 2 — CHRISTOPHER J. DONELAN (D) OF ORANGE —
Erving; Gill; Greenfield; Orange; Warwick; Athol (Worcester Co.).

• HAMPDEN COUNTY •

DISTRICT 1 — TODD M. SMOLA (R) OF PALMER —
Brimfield; Holland; Palmer; Wales; Ware: Precincts B, C (Hampshire Co.); Sturbridge (Worcester Co.); Warren (Worcester Co.).

DISTRICT 2 — BRIAN M. ASHE (D) LONGMEADOW —
East Longmeadow: Precincts 3, 4; Hampden; Longmeadow; Monson; Springfield: Ward 6: Precincts B, C.

DISTRICT 3 — ROSEMARY SANDLIN (D) OF AGAWAM —
Agawam; Granville; Russell; Southwick.

DISTRICT 4 — DONALD F. HUMASON, JR. (R) OF WESTFIELD — WESTFIELD.

DISTRICT 5 — MICHAEL F. KANE (D) OF HOLYOKE — HOLYOKE.

DISTRICT 6 — JAMES T. WELCH (D) OF WEST SPRINGFIELD —
Chicopee: Ward 2: Precinct B, Ward 4: Precincts A, B, C, Ward 5: Precinct B; Springfield: Ward 2: Precinct E; West Springfield.

DISTRICT 7 — THOMAS M. PETROLATI (D) OF LUDLOW —
Chicopee: Ward 6: Precinct B; Ludlow; Springfield: Ward 8: Precincts E, F, G; Belchertown: Precincts B, C (Hampshire Co.).

DISTRICT 8 — JOSEPH F. WAGNER (D) OF CHICOPEE —
Chicopee: Ward 1: Precincts A, B, Ward 2: Precincts A, C, D, Ward 3: Precincts A, B, C, Ward 6: Precinct A, Ward 7: Precincts A, B, Ward 8: Precincts A, B, Ward 9: Precincts A, B.

DISTRICT 9 — SEAN CURRAN (D) OF SPRINGFIELD —
Chicopee: Ward 5: Precinct A; Springfield: Ward 2: Precincts A, B, C, D, F, G, H, Ward 5: Precincts C, D, G, H, Ward 7: Precinct H, Ward 8: Precincts A, B, D, H.

DISTRICT 10 — CHERYL A. COAKLEY-RIVERA (D) OF SPRINGFIELD —
Springfield: Ward 1, Ward 3: Precincts B, C, F, G, H, Ward 6: Precincts A, E, G.

DISTRICT 11 — BENJAMIN SWAN (D) OF SPRINGFIELD —
Springfield: Ward 3: Precincts A, D, E, Ward 4, Ward 5: Precincts A, B, E, F, Ward 7: Precinct A, Ward 8: Precinct C.

DISTRICT 12 — ANGELO J. PUPPOLO, JR. (D) OF SPRINGFIELD —
East Longmeadow: Precincts 1, 2; Springfield: Ward 6: Precincts D, F, H, Ward 7: Precincts B, C, D, E, F, G; Wilbraham.

• HAMPSHIRE COUNTY •

DISTRICT 1 — PETER V. KOCOT (D) OF NORTHAMPTON —
Montgomery (Hampden Co.); Hatfield; Northampton; Southampton; Westhampton.

DISTRICT 2 — JOHN W. SCIBAK (D) OF SOUTH HADLEY —
Easthampton; Hadley; South Hadley.

DISTRICT 3 — ELLEN STORY (D) OF AMHERST —
Amherst; Granby.

• MIDDLESEX COUNTY •

DISTRICT 1 — ROBERT S. HARGRAVES (R) OF GROTON —
Ayer; Dunstable; Groton; Pepperell; Townsend.

DISTRICT 2 — JAMES ARCIERO (D) OF WESTFORD —
Chelmsford: Precincts 3, 5, 7; Littleton; Westford.

DISTRICT 3 — KATE HOGAN (D) OF STOW —
Hudson; Maynard; Stow; Bolton (Worcester Co.).

DISTRICT 4 — DANIELLE W. GREGOIRE (D) OF MARLBOROUGH —
Marlborough; Southborough: Precinct 1 (Worcester Co.); Berlin (Worcester Co.).

DISTRICT 5 — DAVID PAUL LINSKY (D) OF NATICK —
Natick: Precincts 1, 2, 3, 4, 5, 6, 7, 8, 9; Sherborn; Millis: Precincts 2, 3 (Norfolk Co.).

DISTRICT 6 — PAM RICHARDSON (D) OF FRAMINGHAM —
Framingham: Precincts 1, 2, 3, 4, 5, 6, 7, 9, 13, 14, 17.

DISTRICT 7 — TOM SANNICANDRO (D) OF ASHLAND —
Ashland; Framingham: Precincts 8, 10, 11, 12, 15, 16, 18.

DISTRICT 8 — CAROLYN C. DYKEMA (D) HOLLISTON —
Holliston; Hopkinton; Medway: Precinct 1 (Norfolk Co.); Southborough: Precincts 2, 3 (Worcester Co.); Westborough: Precinct 2 (Worcester Co.).

DISTRICT 9 — THOMAS M. STANLEY (D) OF WALTHAM —
Lexington: Precincts 2, 3, 4; Waltham: Wards 1, 2, 3, 4, Ward 7: Precinct 1.

DISTRICT 10 — PETER J. KOUTOUJIAN (D) OF WALTHAM —
Newton: Ward 1: Precincts 1, 4, Ward 3: Precinct 4; Waltham: Wards 5, 6, Ward 7: Precinct 2, Wards 8, 9; Watertown: Precinct 10.

DISTRICT 11 — KAY KHAN (D) OF NEWTON —
Newton: Ward 1: Precincts 2, 3, Ward 2: Precincts 1, 2, 3, Ward 3: Precincts 1, 2, 3, Ward 4, Ward 5: Precinct 4, Ward 7: Precinct 2.

DISTRICT 12 — RUTH B. BALSER (D) OF NEWTON —
Newton: Ward 5: Precincts 1, 2, 3, Ward 6, Ward 7: Precincts 1, 3, 4, Ward 8.

DISTRICT 13 — THOMAS P. CONROY (D) OF WAYLAND —
Lincoln; Sudbury; Wayland.

DISTRICT 14 — CORY ATKINS (D) OF CONCORD —
Acton: Precincts 1, 2, 6; Carlisle; Concord; Chelmsford: Precincts 1, 9.

DISTRICT 15 — JAY R. KAUFMAN (D) OF LEXINGTON —
Arlington: Precincts 14, 17, 20, 21; Lexington: Precincts 1, 5, 6, 7, 8, 9; Woburn: Wards 1, 7.

DISTRICT 16 — THOMAS A. GOLDEN, JR. (D) OF LOWELL —
Chelmsford: Precincts 2, 6, 8; Lowell: Ward 5: Precincts 1, 2, 3, Wards 6, 9.

DISTRICT 17 — DAVID M. NANGLE (D) OF LOWELL —
Chelmsford: Precinct 4; Lowell: Ward 1, Ward 2: Precinct 3, Ward 4: Precincts 2, 3, Wards 10, 11.

DISTRICT 18 — KEVIN J. MURPHY (D) OF LOWELL —
Lowell: Ward 2: Precincts 1, 2, Ward 3, Ward 4: Precinct 1, Wards 7, 8.

DISTRICT 19 — JAMES R. MICELI (D) OF WILMINGTON —
Tewksbury: Precincts 1, 1A, 2, 2A, 4, 4A; Wilmington: Precincts 1, 2, 4, 5, 6.

DISTRICT 20 — BRADLEY H. JONES, JR. (R) OF NORTH READING —
Lynnfield: Precincts 1, 3, 4 (Essex Co.); Middleton: Precinct 1 (Essex Co.); North Reading; Reading: Precincts 1, 4, 6, 7, 8.

DISTRICT 21 — CHARLES A. MURPHY (D) OF BURLINGTON —
Bedford; Burlington; Wilmington: Precinct 3.

DISTRICT 22 — WILLIAM G. GREENE, JR. (D) OF BILLERICA — BILLERICA.

DISTRICT 23 — SEAN GARBALLEY (D) OF ARLINGTON —
Arlington: Precincts 1, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 18, 19; Medford: Ward 3: Precinct 2, Ward 6: Precincts 1, 2.

DISTRICT 24 — WILLIAM N. BROWNSBERGER (D) OF BELMONT —
Arlington: Precincts 2, 4; Belmont; Cambridge: Ward 10: Precinct 3, Ward 11: Precincts 1, 2, 3.

DISTRICT 25 — ALICE K. WOLF (D) OF CAMBRIDGE —
Cambridge: Ward 4, Ward 6: Precincts 2, 3, Wards 7, 8, Ward 10: Precincts 1, 2.

DISTRICT 26 — TIMOTHY J. TOOMEY, JR. (D) OF CAMBRIDGE —
Cambridge: Ward 1, Ward 2: Precinct 1, Ward 3: Precincts 1, 2, Ward 6: Precinct 1; Somerville: Ward 1, Ward 2: Precincts 1, 2.

DISTRICT 27 — DENISE PROVOST (D) OF SOMERVILLE —
Somerville: Ward 2: Precinct 3, Ward 3, Ward 4: Precinct 3, Wards 5, 6.

DISTRICT 28 — STEVEN STAT SMITH (D) OF EVERETT —
Everett; Malden: Ward 7: Precinct 2.

DISTRICT 29 — JONATHAN HECHT (D) OF WATERTOWN —
Cambridge: Ward 9; Watertown: Precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12.

DISTRICT 30 — JAMES J. DWYER (D) OF WOBURN —
Reading: Precincts 2, 3, 5; Stoneham: Precinct 3; Woburn: Wards 2, 3, 4, 5, 6.

DISTRICT 31 — JASON M. LEWIS (D) OF WINCHESTER —
Stoneham: Precincts 1, 2, 4, 5, 6, 7; Winchester.

DISTRICT 32 — KATHERINE CLARK (D) OF MELROSE —
Melrose; Wakefield: Precincts 3, 4, 5, 6.

• MIDDLESEX COUNTY *(Continued)* •

DISTRICT 33 — CHRISTOPHER G. FALLON (D) OF MALDEN —
Malden: Ward 2, Ward 3: Precinct 1, Wards 4, 5, 6, 8.

DISTRICT 34 — CARL M. SCIORTINO, JR. (D) OF MEDFORD —
Medford: Wards 4, 5, Ward 7: Precinct 1, Ward 8: Precinct 2; Somerville: Ward 4: Precincts 1, 2, Ward 7.

DISTRICT 35 — PAUL J. DONATO (D) OF MEDFORD —
Malden: Ward 1, Ward 3: Precinct 2, Ward 7: Precinct 1; Medford: Wards 1, 2, Ward 3: Precinct 1, Ward 7: Precinct 2, Ward 8: Precinct 1.

DISTRICT 36 — COLLEEN M. GARRY (D) OF DRACUT —
Dracut; Tyngsborough.

DISTRICT 37 — JENNIFER E. BENSON (D) LUNENBURG —
Acton: Precincts 3, 4, 5; Boxborough; Shirley; Harvard (Worcester Co.); Lancaster: Precinct 1 (Worcester Co.); Lunenburg (Worcester Co.).

• NORFOLK COUNTY •

DISTRICT 1 — BRUCE J. AYERS (D) OF QUINCY —
Quincy: Ward 3: Precincts 3, 4, Ward 4: Precincts 1, 3, Ward 5: Precincts 2, 5, Ward 6; Randolph: Precincts 5, 6.

DISTRICT 2 — A. STEPHEN TOBIN (D) OF QUINCY —
Quincy: Ward 1, Ward 3: Precincts 1, 2, 5, Ward 4: Precincts 2, 4, Ward 5: Precincts 1, 3, 4.

DISTRICT 3 — RONALD MARIANO (D) OF QUINCY —
Holbrook: Precincts 2, 3, 4; Quincy: Ward 2, Ward 4: Precinct 5; Weymouth: Precincts 5, 6, 9, 12, 16.

DISTRICT 4 — JAMES M. MURPHY (D) OF WEYMOUTH —
Weymouth: Precincts 1, 2, 3, 4, 7, 8, 10, 11, 13, 14, 15, 17, 18.

DISTRICT 5 — JOSEPH R. DRISCOLL (D) OF BRAINTREE —
Braintree; Holbrook: Precinct 1; Randolph: Precinct 3.

DISTRICT 6 — WILLIAM C. GALVIN (D) OF CANTON —
Avon; Canton; Stoughton: Precincts 1, 5, 7, 8.

DISTRICT 7 — WALTER F. TIMILTY (D) OF MILTON —
Milton: Precincts 2, 4, 5, 6, 7, 8, 9, 10; Randolph: Precincts 1, 2, 4, 7, 8.

DISTRICT 8 — LOUIS L. KAFKA (D) OF STOUGHTON —
Mansfield: Precinct 4 (Bristol Co.); Sharon; Stoughton: Precincts 2, 3, 4, 6; Walpole: Precincts 3, 4.

DISTRICT 9 — RICHARD J. ROSS (R) OF WRENTHAM —
Medfield: Precincts 3, 4; Millis: Precinct 1; Norfolk; Plainville; Walpole: Precinct 5; Wrentham.

DISTRICT 10 — JAMES E. VALLEE (D) OF FRANKLIN —
Franklin; Medway: Precincts 2, 3, 4.

DISTRICT 11 — PAUL MCMURTRY (D) OF DEDHAM —
Dedham; Walpole: Precinct 8; Westwood.

DISTRICT 12 — JOHN H. ROGERS (D) OF NORWOOD —
Norwood; Walpole: Precincts 1, 2, 6, 7.

DISTRICT 13 — LIDA E. HARKINS (D) OF NEEDHAM —
Dover; Medfield: Precincts 1, 2; Needham.

DISTRICT 14 — ALICE HANLON PEISCH (D) OF WELLESLEY —
Natick: Precinct 10 (Middlesex Co.); Weston (Middlesex Co.); Wellesley.

DISTRICT 15 — FRANK I. SMIZIK (D) OF BROOKLINE —
Brookline: Precincts 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13.

• PLYMOUTH COUNTY •

DISTRICT 1 — VIRIATO MANUEL DEMACEDO (R) OF PLYMOUTH —
Plymouth: Precincts 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 14.

DISTRICT 2 — SUSAN WILLIAMS GIFFORD (R) OF WAREHAM —
Bourne: Precincts 1, 2 (Barnstable Co.); Carver; Wareham.

DISTRICT 3 — GARRETT J. BRADLEY (D) OF HINGHAM —
Cohasset (Norfolk Co.); Hingham; Hull; Scituate: Precinct 3.

DISTRICT 4 — JAMES M. CANTWELL (D) OF MARSHFIELD —
Marshfield; Scituate: Precincts 1, 2, 4, 5, 6.

DISTRICT 5 — ROBERT J. NYMAN (D) OF HANOVER —
Hanover; Norwell; Rockland.

DISTRICT 6 — DANIEL K. WEBSTER (R) OF HANSON —
Duxbury: Precincts 2, 3, 4, 5; Halifax: Precinct 2; Hanson; Pembroke.

DISTRICT 7 — ALLEN J. MCCARTHY (D) OF EAST BRIDGEWATER —
Abington; East Bridgewater; Whitman.

DISTRICT 8 — DAVID L. FLYNN (D) OF BRIDGEWATER —
Easton: Precinct 6 (Bristol Co.); Raynham (Bristol Co.); Bridgewater.

DISTRICT 9 — MICHAEL D. BRADY (D) OF BROCKTON —
Brockton: Ward 1: Precincts B, D, Ward 2: Precincts B, C, D, Ward 3, Ward 4: Precincts A, D, Ward 5: Precinct A.

DISTRICT 10 — CHRISTINE E. CANAVAN (D) OF BROCKTON —
Easton: Precinct 3 (Bristol Co.); Brockton: Ward 4: Precincts B, C, Ward 5: Precincts B, C, D, Ward 6; West Bridgewater.

DISTRICT 11 — GERALDINE CREEDON (D) OF BROCKTON —
Easton: Precincts 1, 2, 4, 5 (Bristol Co.); Brockton: Ward 1: Precincts A, C, Ward 2: Precinct A, Ward 7.

DISTRICT 12 — THOMAS J. CALTER (D) OF KINGSTON —
Duxbury: Precincts 1, 6; Halifax: Precinct 1; Kingston; Middleborough: Precincts 1, 5; Plymouth: Precincts 1, 11, 13; Plympton.

• SUFFOLK COUNTY •

DISTRICT 1 — CARLO BASILE (D) OF BOSTON —
Boston: Ward 1: Precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14.

• SUFFOLK COUNTY *(Continued)* •

DISTRICT 2 — EUGENE L. O'FLAHERTY (D) OF CHELSEA —
Boston: Ward 2; Chelsea: Wards 1, 2, Ward 3: Precincts 1, 3, Ward 4: Precincts 1, 4.

DISTRICT 3 — SALVATORE F. DIMASI (D) OF BOSTON [RESIGNED JANUARY 27, 2009], AARON MICHLEWITZ (D) OF BOSTON [ELECTED JUNE 16, 2009, QUALIFIED JULY 8, 2009] —
Boston: Ward 3: Precincts 1, 2, 3, 4, 6, 7, 8, Ward 4: Precinct 1, Ward 5: Precinct 1, Ward 8: Precincts 1, 2, 3.

DISTRICT 4 — BRIAN P. WALLACE (D) OF BOSTON —
Boston: Ward 1: Precinct 15 Harbor Islands, Ward 6; Ward 7: Precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, Ward 8: Precinct 6; Ward 13: Precinct 3.

DISTRICT 5 — MARIE P. ST. FLEUR (D) OF BOSTON —
Boston: Ward 7: Precinct 10, Ward 8: Precincts 5 and 7, Ward 12: Precinct 6, Ward 13: Precincts 1, 2, 4, 5, 6 , Ward 15: Precincts 1, 2, 3, 4, 5, 7, 8, 9, Ward 16: Precinct 1, Ward 17: Precinct 2.

DISTRICT 6 — WILLIE MAE ALLEN (D) OF BOSTON —
Boston: Ward 14: Precincts 5, 8, 9, 10, 11, 12, 13, 14, Ward 17: Precincts 7, 8, 10, 11, Ward 18: Precincts 7, 8, 15, Ward 19: Precincts 11, 12, 13.

DISTRICT 7 — GLORIA L. FOX (D) OF BOSTON —
Boston: Ward 4: Precincts 8, 9, 10, Ward 8: Precinct 4, Ward 9: Precincts 4, 5, Ward 10: Precinct 4, Ward 11: Precinct 1, Ward 12: Precincts 1, 2, 3, 4, 5, 8, 9, Ward 21: Precinct 1.

DISTRICT 8 — MARTHA M. WALZ (D) OF BOSTON —
Cambridge (Middlesex Co.): Ward 2: Precinct 3, Ward 3: Precinct 3, Ward 5; Boston: Ward 3: Precinct 5, Ward 5: Precincts 3, 4, 5, 6, 7, 8, 9, 11.

DISTRICT 9 — BYRON RUSHING (D) OF BOSTON —
Cambridge (Middlesex Co.): Ward 2: Precinct 2, Boston: Ward 4: Precincts 2, 3, 4, 5, 6, 7, Ward 5: Precincts 2, 10, Ward 9: Precincts 1, 2, 3.

DISTRICT 10 — MICHAEL F. RUSH (D) OF BOSTON —
Brookline (Norfolk Co.): Precincts 14, 15, 16; Boston: Ward 20: Precincts 3, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20.

DISTRICT 11 — ELIZABETH A. MALIA (D) OF BOSTON —
Boston: Ward 11: Precincts 2, 3, 4, 5, 7, 8, 9, 10, Ward 12: Precinct 7, Ward 14: Precincts 1, 2, 3, 4, 6, 7, Ward 19: Precincts 6, 7.

DISTRICT 12 — LINDA DORCENA FORRY (D) OF BOSTON —
Milton (Norfolk Co.) Precincts 1, 3; Boston: Ward 16: Precincts 8, 11, 12, Ward 17: Precincts 4, 12, 13, 14, Ward 18: Precincts 1, 2, 3, 4, 5, 6, 21.

DISTRICT 13 — MARTIN J. WALSH (D) OF BOSTON —
Boston: Ward 13: Precincts 7, 8, 9, 10, Ward 15, Precinct 6, Ward 16: Precincts 2, 3, 4, 5, 6, 7, 9, 10, Ward 17: Precincts 1, 3, 5, 6, 9.

DISTRICT 14 — ANGELO M. SCACCIA (D) OF BOSTON —
Milton (Norfolk Co.): Precinct 11; Boston: Ward 18: Precincts 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 22, 23, Ward 19: Precinct 10, Ward 20: Precincts 8, 9.

DISTRICT 15 — JEFFREY SÁNCHEZ (D) OF BOSTON —
Brookline (Norfolk Co.): Precinct 5; Boston: Ward 10: Precincts 1, 2, 3, 5, 6, 7, 8, 9, Ward 11: Precinct 6, Ward 19: Precincts 1, 2, 3, 4, 5, 8, 9, Ward 20: Precincts 1, 2, 4.

DISTRICT 16 KATHI-ANNE REINSTEIN (D) OF REVERE —
Saugus: Precincts 3, 10 (Essex Co.); Chelsea: Ward 3: Precincts 2, 4, Ward 4: Precincts 2, 3; Revere: Ward 1: Precinct 3, Ward 3: Precinct 1, Ward 4: Precincts 1, 2, 3, Ward 5: Precincts 1, 2, Ward 6: Precincts 1, 2, 3.

DISTRICT 17 — KEVIN G. HONAN (D) OF BOSTON —
Boston: Ward 21: Precincts 3, 5, 6, 7, 8, 9, 10, 11, 12, Ward 22: Precincts 2, 3, 6, 9, 10.

DISTRICT 18 — MICHAEL J. MORAN (D) OF BOSTON —
Brookline (Norfolk Co.): Precinct 1; Boston: Ward 21: Precincts 2, 4, 13, 14, 15, 16, Ward 22: Precincts 1, 4, 5, 7, 8, 11, 12, 13.

DISTRICT 19 — ROBERT A. DELEO (D) OF WINTHROP —
Revere: Ward 1: Precincts 1, 2, Ward 2, Ward 3: Precincts 2, 3, Ward 5: Precinct 3; Winthrop.

• WORCESTER COUNTY •

DISTRICT 1 — LEWIS G. EVANGELIDIS (R) OF HOLDEN —
Holden; Hubbardston; Oakham; Princeton; Rutland; Sterling: Precinct 1; Westminster.

DISTRICT 2 — ROBERT L. RICE, JR. (D) OF GARDNER —
Ashby (Middlesex Co.), Gardner, Ashburnham, Royalston, Winchendon.

DISTRICT 3 — STEPHEN L. DINATALE (D) OF FITCHBURG — FITCHBURG.

DISTRICT 4 — DENNIS A. ROSA (D) OF LEOMINSTER — LEOMINSTER.

DISTRICT 5 — ANNE M. GOBI (D) OF SPENCER —
Ware: Precinct A (Hampshire Co.); Barre; Brookfield; Hardwick; New Braintree; North Brookfield; Petersham; Phillipston; West Brookfield; Spencer: Precincts 2, 3; Templeton.

DISTRICT 6 — GERALDO ALICEA (D) OF CHARLTON —
Charlton; East Brookfield; Oxford: Precinct 2; Southbridge; Spencer: Precincts 1, 4.

DISTRICT 7 — PAUL K. FROST (R) OF AUBURN —
Auburn; Millbury; Oxford: Precincts 1, 3; Sutton: Precinct 3.

DISTRICT 8 — PAUL KUJAWSKI (D) OF WEBSTER —
Douglas; Dudley; Oxford: Precinct 4; Uxbridge: Precinct 3; Webster.

DISTRICT 9 — GEORGE N. PETERSON, JR. (R) OF GRAFTON —
Grafton; Northbridge; Upton; Westborough: Precincts 3, 5.

DISTRICT 10 — JOHN V. FERNANDES (D) OF MILFORD —
Hopedale; Mendon; Milford.

DISTRICT 11 — KARYN E. POLITO (R) OF SHREWSBURY —
Shrewsbury; Westborough: Precincts 1, 4.

• WORCESTER COUNTY *(Continued)* •

DISTRICT 12 — HAROLD P. NAUGHTON, JR. (D) OF CLINTON —
Boylston; Clinton; Northborough; Sterling: Precinct 2; Lancaster: Precinct 2.

DISTRICT 13 — ROBERT P. SPELLANE (D) OF WORCESTER —
Paxton; Worcester: Ward 1: Precincts 1, 2, 3, 4 Ward 9, Ward 10: Precinct 3.

DISTRICT 14 — JAMES J. O'DAY (D) OF WEST BOYLSTON —
West Boylston; Worcester: Ward 1: Precinct 5, Ward 2, Ward 3: Precincts 1, 3, 5.

DISTRICT 15 — VINCENT A. PEDONE (D) OF WORCESTER —
Worcester: Ward 3: Precincts 2, 4, Ward 4, Ward 5: Precinct 3, Ward 10: Precincts 1, 2, 4, 5.

DISTRICT 16 — JOHN P. FRESOLO (D) OF WORCESTER —
Worcester: Ward 5: Precincts 1, 2, 4, 5, Ward 6, Ward 8: Precincts 1, 5.

DISTRICT 17 — JOHN J. BINIENDA (D) OF WORCESTER —
Leicester; Worcester: Ward 7, Ward 8: Precincts 2, 3, 4.

DISTRICT 18 — JENNIFER M. CALLAHAN (D) OF SUTTON —
Bellingham (Norfolk Co.); Blackstone; Millville; Sutton: Precincts 1, 2; Uxbridge: Precincts 1, 2, 4.

JOURNAL OF THE HOUSE.

Wednesday, January 6, 2010.

The second annual session of the one hundred and eighty-sixth General Court of the Commonwealth of Massachusetts convened at the State House in Boston on the first Wednesday of January, being the sixth day of the year two thousand ten and the year of the independence of the United States of America the two hundred and thirty-fourth. General Court convened.

And the members of the House of Representatives, having assembled in the Representatives' Chamber, were called to order at two minutes after eleven o'clock A.M. by Mr. Donato of Medford (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 during the sessions of 1983 to 2009, inclusive, as follows:

Eternal God, in Whom we find personal peace and our hope for the future, we begin this morning's legislative session, the second annual session of the 186th General Court, with a moment of personal meditation and personal prayer. We open our minds and hearts to You, Your ways and Your inspirations as we struggle to carry out our personal and constitutional responsibilities and obligations. As elected leaders inspire us to make reasoned, objective, ethical and sound decisions and choices which meet both the current and future needs of the people and society. As our predecessors made courageous choices and decisions which have guaranteed our freedoms, so may we, too, encourage all people, especially our children and young people, to utilize their intellectual and natural talents in a positive manner. The future of the Commonwealth and our communities depends upon the good will, the interest in the common good and a generous spirit of all people in promoting the well-being of all individuals in our communities. Prayer.

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

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 Prayers.

During the session, Mr. Spellane of Worcester briefly took the Chair, and, on behalf of the members of the Worcester Legislative delegation, requested that the members, guests and employees stand in a moment of silence in respect to the memory of Worcester Police Officer Mark D. Bisnette, who died Saturday, January 2nd as a result of injuries sustained in an auto accident that took place the same day. Officer Bisnette was a Worcester native and a proud 14 year member of the Worcester Police Department. Officer Bisnette was Worcester Police Officer Mark D. Bisnett.

Worcester Police Officer Mark D. Bisnett.

an active Worcester Police Officer serving as President of Worcester Police Recruit Class # 296 and a member of the Honor Guard, the Police Relief Association, the Emerald Society, NEPBA Local 911 and as a delegate to the Massachusetts Police Association.

Officer Bisnette also served his nation proudly throughout Operation Desert Storm as a United States Marine. A proud father, Mark was also a coach in the Paxton Little League and Worcester Flag Football, where he would spend weekends watching his children play.

Officer Mark Bisnette leaves behind his high school sweetheart and wife of 13 years, Erin P. (Mulcahy) Bisnette, his four children; sons Connor Francis, Seamus Ryan, and Liam Patrick Bisnette, and daughter Riley Kate Bisnette.

Harold E. Brown, Jr.

During the session, at the request of Representative Hogan of Stow and on behalf of a grateful nation, the members, guests and employees stood in a moment of silence in respect to the memory of Harold E. Brown, Jr., who was killed December 30, 2009 in a suicide bomb attack while serving his country in Khost Povince, Afghanistan. Mr. Brown grew up in Bolton, a small town in which his family has deep roots, and graduated Nashoba Regional High School. He spent his career in service to his nation, spending four years on active duty in the Army, during which time he served in Bosnia. He later became a major in the Army Reserves, and was serving with U.S. intelligence when he was killed in Afghanistan. He is survived by his parents of Bolton, Massachusetts and his wife and three children of Fairfax Station, Virginia.

Statement Concerning Representative Koczera of New Bedford.

A statement of Mrs. Haddad of Somerset concerning Mr. Koczera of New Bedford was spread upon the records of the House, as follows:

Statement concerning Representative Koczera of New Bedford.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Koczera of New Bedford, is unable to be present in the House Chamber for today's sitting due to personal business outside of the Commonwealth. His missing of roll calls today is due entirely to the reason stated.

Statement Concerning Representative Koutoujian of Waltham.

A statement of Mr. Mariano of Quincy concerning Mr. Koutoujian of Waltham was spread upon the records of the House, as follows:

Statement concerning Representative Koutoujian of Waltham.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Koutoujian of Waltham, is unable to be present in the House Chamber for today's sitting, due to the christening of his baby daughter Isabel in his wife's hometown in Spain. His missing of roll calls today and for the next few days is due entirely to the reason stated.

Statement Concerning Representative Madden of Nantucket.

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

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Madden of Nantucket, is unable to be present in the House Chamber for today's sitting, due to personal business outside of the country. His missing of roll calls today is due entirely to the reason stated.

Statement concerning Representative Madden of Nantucket.

Statement Concerning Representative Naughton of Clinton.

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

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Naughton of Clinton, is unable to be present in the House Chamber for today's sitting, due to his being called to active duty in the United States Army. His missing of roll calls today and for the next few days is due entirely to the reason stated.

Statement concerning Representative Naughton of Clinton.

Statement Concerning Representative Peterson of Grafton.

A statement of Mr. Jones of North Reading concerning Mr. Peterson of Grafton was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Peterson of Grafton, is unable to be present in the House Chamber for today's sitting, due to a death in his family. His missing of roll calls today is due entirely to the reason stated.

Statement concerning Representative Peterson of Grafton.

Message from the Governor.

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 providing for the financial stability of the city of Lawrence (House, No. 4421) was filed in the Office of the Clerk on Thursday, December 31, 2009.

Lawrence,—financial stability.

The message was read; and it was referred, under Rule 30, to the committee on Ways and Means.

Resolutions.

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

Resolutions (filed by Representatives Barrows of Mansfield, Poirier of North Attleborough and Kafka of Stoughton) congratulating Nathan Myers on receiving the Eagle Award of the Boy Scouts of America;

Nathan Myers.

Resolutions (filed by Mrs. Creedon of Brockton) congratulating attorney John Darrell on the occasion of his retirement;

John Darrell.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Jonathan Ryan Foster on earning the Eagle Scout Award;

Jonathan Ryan Foster.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Samuel David Marshall on earning the Eagle Scout Award;

Samuel David Marshall.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Benedetto Tomaso on the occasion of his one hundredth birthday;

Benedetto Tomaso.

Resolutions (filed by Messrs. Hecht of Watertown and Koutoujian of Waltham) honoring Thomas J. Sullivan upon the occasion of his retirement from the town of Watertown;

Thomas J. Sullivan.

Christopher Campbell-Orrock.

Resolutions (filed by Mr. Rush of Boston) congratulating Christopher Campbell-Orrock upon achieving the rank of Eagle Scout; and

Elias Sami Kassis.

Resolutions (filed by Mr. Rush of Boston) congratulating Elias Sami Kassis upon achieving the rank of Eagle Scout;

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. Smizik of Brookline, 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:

Belmont,— recall election.

By Mr. Brownsberger of Belmont, a petition (accompanied by bill, House, No. 4414) of William N. Brownsberger and Steven A. Tolman (by vote of the town) relative to the recall of elected officials in the town of Belmont. To the committee on Election Laws.

Belmont,— police chief.

By Mr. Brownsberger of Belmont, a petition (accompanied by bill, House, No. 4416) of William N. Brownsberger and Steven A. Tolman (by vote of the town) that the board of selectmen in the town of Belmont be authorized to appoint a chief of police for said town.

Bridgewater,— police chief.

By Representative Flynn of Bridgewater and Senator Pacheco, a joint petition (accompanied by bill, House, No. 4413) of David L. Flynn and Marc R. Pacheco (by vote of the town) for legislation to provide a town charter for the town of Bridgewater.

Needham,— land.

By Mrs. Harkins of Needham, a petition (accompanied by bill, House, No. 4417) of Lida E. Harkins (by vote of the town) relative to certain land in the town of Needham.

Freetown,— treasurer-collector.

By Mr. Quinn of Dartmouth, a petition (accompanied by bill, House, No. 4415) of John F. Quinn, Joan M. Menard and others (by vote of the town) that the town of Freetown be authorized to establish the position of treasurer-collector for said town.

Severally to the committee on Municipalities and Regional Government.

Holyoke,— police procedures.

By Mr. Kane of Holyoke, a petition (accompanied by bill, House, No. 4418) of Michael F. Kane and Michael R. Knapik (with the approval of the mayor and city council) relative to police procedures when dealing with criminal street gangs in the city of Holyoke. To the committee on Public Safety and Homeland Security.

Natick,— civil service.

By Representative Linsky of Natick and Senator Spilka, a joint petition (accompanied by bill, House, No. 4419) of David P. Linsky, Karen E. Spilka and others (by vote of the town) that the town of Natick be authorized to exempt the chief of police from the civil service law in said town. To the committee on Public Service.

Carver,— tax exemptions.

By Ms. Gifford of Wareham, a petition (accompanied by bill, House, No. 4420) of Susan Williams Gifford (by vote of the town) relative to real estate tax exemptions for certain structures in the town of Carver. To the committee on Revenue.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Ms. Benson of Lunenburg, petition (subject to Joint Rule 12) of Jennifer E. Benson, Ellen Story and others relative to establishing a public health Lyme disease research institute at the University of Massachusetts Medical School.

UMass,—Lyme disease institute.

By Mr. O'Flaherty of Chelsea, petition (subject to Joint Rule 12) of Eugene L. O'Flaherty relative to children in need of services.

Children,—assistance.

By Mr. Perry of Sandwich, petition (subject to Joint Rule 12) of Jeffrey Davis Perry for the adoption of resolutions memorializing the President and the Congress of the United States regarding the rights of states under the Tenth Amendment to the Constitution.

U.S. Constitution,—Tenth Amendment.

By Mr. Quinn of Dartmouth, petition (subject to Joint Rule 12) of John F. Quinn, Michael J. Rodrigues and others relative to establishing a special commission to study public funding to private institutions.

Private institutions,—funding.

By Mr. Walsh of Lynn, petition (subject to Joint Rule 12) of Steven M. Walsh authorizing an alternative mode of design and construction for the relocation and replacement of a water line under the Saugus River.

Saugus River,—water line.

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

Paper from the Senate.

A Bill authorizing the board of assessors of the city of Quincy to grant tax abatements to certain military personnel (Senate, No. 1302) (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.

Quincy,—tax abatement.

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 joint petition of John D. Keenan and Sonia Chang-Diaz relative to extending the reporting date within which the special commission established to investigate, study and designate one thousand great places in the Commonwealth. Under suspension of the rules, on motion of Mr. Fagan of Taunton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Tourism, Arts and Cultural Development. Sent to the Senate for concurrence.

One thousand great places.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the Williamstown Library Board of Trustees (House, No. 1921) be scheduled for consideration by the House.

Williamstown Library Board.

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

Subsequently, under suspension of the rules, on further motion of the same member, the bill (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.

Pilots,—Attorney General.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill relative to representation by the Attorney General in actions involving pilots (House, No. 3676).

Public land preservation.

By the same member, for the same committee, on Senate, No. 396 and House, No. 3438, a Bill to protect the natural resources of the Commonwealth (House, No. 4422).

Severally, read; and referred, under Rule 33, to the committee on Ways and Means.

Scrap metal dealers.

By Ms. Forry of Boston, for the committee on Community Development and Small Business, on a petition, a Bill relative to scrap metal dealers (House, No. 328, changed in line 15 by striking out the words "Massachusetts photo identification" and inserting in place thereof the words "government issued identification"; and in line 16 by striking out the words "state and local police" and inserting in place thereof the words "any law enforcement agency").

Brockton,—dumping.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill prohibiting certain dumping in the city of Brockton (House, No. 4190).

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

Engrossed Bills.

Bill enacted.

The engrossed Bill validating a certain election in the town of Concord (see House bill printed in House, No. 4397) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

Id.

The engrossed Bill relative to real estate taxes in the town of Wayland (see House No. 1903) (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.

Orders of the Day.

Kayaks.

The Senate Bill relative to kayaks (Senate, No. 974) 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.

Representatives Straus of Mattapoisett and Khan of Newton then moved to amend the bill by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 2281 (as perfected), as follows:

"SECTION 1. Section 1 of chapter 90B of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the definition of 'Jet skis' the following definition:—

'Kayak', a lightweight boat that is covered, except for a single or double opening in the center thereof, and is propelled by a paddle.

SECTION 2. Said chapter 90B is hereby further amended by inserting after section 13A the following section:—

Section 13B. Anyone who holds himself out as a kayak instructor for hire shall obtain and maintain:

first aid training approved by the department of public health;

cardiopulmonary resuscitation training approved by the department of public health; and kayak instructor certification from the American Canoe Association, or an American Red Cross certification in small craft safety and basic water rescue, or equivalent water training.

The instructor shall train students on the safety procedures appropriate to the level of paddling difficulty. Wet exit training, which is defined as the practice of escaping from a kayak while capsized in a controlled water setting, shall be required of beginners or novice level only if a 'spray skirt' is attached during any part of the kayak instructional session.

A liability release that limits an instructor's responsibility to comply with this section shall be void.".

The amendment was adopted; and the bill (Senate, No. 974, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment.

House reports

House reports.

Of the committee on Consumer Protection and Professional Licensure, ought NOT to pass, on the petition (accompanied by bill, House, No. 233) of Sean Curran relative to exempting a certain person from mandated barber license requirements; and

Of the committee on Financial Services, ought NOT to pass, on the petition (accompanied by bill, House, No. 868) of Garrett J. Bradley relative to making the Commissioner of Insurance an elected office;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 874) of William N. Brownsberger, John Hayes and Anne M. Paulsen relative to the funding and staffing of the Division of Insurance; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 995) of Kevin J. Murphy for legislation to established the office of Commissioner of Insurance as an elected position;

Severally were accepted.

Recess.

Recess.

At twenty-five minutes after eleven o'clock A.M., on motion of Mr. Cabral of New Bedford (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at nine minutes after one o'clock the House was called to order with the Speaker in the Chair.

Notices of the Convening of the General Court.

On motion of Mr. Walsh of Lynn,—

Senate notified of convening of House.

Ordered, That a special committee be appointed to notify the Senate that the House has been called to order and is ready to proceed to business.

Representatives Basile of Boston, Calter of Kingston, Brady of Brockton, Cantwell of Marshfield, DiNatale of Fitchburg, Ehrlich of Marblehead, Dykema of Holliston, Fresolo of Worcester, McMurtry of Dedham, Rush of Boston, Nangle of Lowell, Barrows of Mansfield, deMacedo of Plymouth, Smola of Palmer and Webster of Pembroke were appointed the committee.

Subsequently Mr. Basile, for the committee, reported that they had attended to the duty assigned to them.

Notice of convening of Senate.

A message was received from the Senate, by a special committee thereof, announcing that that branch had convened and was ready to proceed to business.

On motion of Mr. Kaufman of Lexington,—

Governor, etc. notified of convening of General Court.

Ordered, That a committee of members of the Senate and House of Representatives be appointed to wait upon His Excellency the Governor, Deval L. Patrick, His Honor the Lieutenant-Governor, Timothy P. Murray, and the Honorable Council and inform them that the two branches of the General Court are now assembled and ready to proceed to business.

Representatives Canessa of New Bedford, Clark of Melrose, Conroy of Wayland, Dwyer of Woburn, Ferrante of Gloucester, Fallon of Malden, Gobi of Spencer, Fernandes of Milford, Fox of Boston, Kujawski of Webster, Murphy of Lowell, Poirier of North Attleborough, Frost of Auburn, Gifford of Wareham and Hill of Ipswich were appointed the committee on the part of the House. Sent to the Senate to be joined.

Subsequently notice was received that the Senate had adopted said order, and that Senators Baddour, Flanagan, Tucker and Hedlund had been appointed the committee on the part of the Senate.

Subsequently Mr. Kaufman, for the committee, reported that they had attended to the duty assigned to them.

Orders of the Day.

Education reform and achievement gap.

The Senate Bill relative to education reform (Senate, No. 2216, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

After debate on the question on passing the bill, as amended, to be engrossed, in concurrence (Mr. Petrolati of Ludlow being in the Chair), Ms. Wolf of Cambridge moved to amend it in section 1, in line 64, by striking out the word "and", in line 65, by inserting after the word "commissioner" the following: "; (ix) for elementary schools, a representative of an early education and care provider chosen by the commissioner of the department of early education and care and, for middle schools or high schools, a representative of the higher education community selected by the secretary; and

(x) a member of the community appointed by the chief executive of the city or town from a list nominated by a community organization with an agenda that includes schools, or, if there is none, a community volunteer.", and, in line 70, by inserting after the word "meeting." the following sentence: "The local stakeholder group shall hold at least one public hearing in the community prior to formulating its recommendations.".

Pending the question on adoption of the amendments, the same member moved to amendment them by striking out the text of said amendments and inserting in place thereof the following:— in section 1, in line 64, by striking out the word "and"; and, in line 65, by inserting after the word "commissioner" the words "; (ix) for elementary schools, a representative of an early education and care provider chosen by the commissioner of the department of early education and care and, for middle schools or high schools, a representative of the higher education community selected by the secretary; and (x) a member of the community appointed by the chief executive of the city or town.".

After remarks the further amendments were adopted, thus precluding a vote on the pending amendments.

Mr. Rice of Gardner then moved to amend the bill in section 1, in line 38, after the words "graduation rates"; in line 79, after the words "promotion and graduation rates"; in lines 94 and 95, after the words "student promotion and graduation"; in line 273, after the words "promotion and graduation rates"; in line 307, after the words "promotion and graduation rates"; in line 323, after the words "student promotion and graduation"; in section 3, in line 982, after the words "student promotion and graduation rates"; and , in line 1079, after the words "student promotion and graduation" by inserting, in each instance, the words "dropout rates".

Pending the question on adoption of the amendments, the same member moved to amend them by striking out the text of said amendments and inserting in place thereof the following:— in section 1, in line 38, by inserting after the words "graduation rates" the words "dropout rates"; in line 79, after the words promotion and graduation rates"; in lines 94 and 95, after the words "student promotion and graduation"; in line 273, after the words "promotion and graduation rates"; in line 307, after the words "promotion and graduation rates"; in line 323, after the words "and graduation"; in section 3, in line 982, after the words "student promotion and graduation rates"; and, in line 1079, after the word "graduation", by inserting, in each instance, the words "and dropout rates".

After remarks the further amendments were adopted, thus precluding a vote on the pending amendments.

Mr. Sciortino of Medford then moved to amend the bill in section 2, in line 682, after the word "necessary.", by inserting the following sentence: "The department shall maintain a consolidated waitlist for each municipality in order to determine the number of individual students in each municipality seeking admission to charter schools.". After remarks the amendment was adopted.

Education reform and achievement gap.

Ms. Wolf of Cambridge then moved to amend the bill in section 1, in line 292, by striking out the word "and"; and, in line 293, by inserting after the word "commissioner" the words "(ix) for elementary schools, a representative of an early education and care provider chosen by the commissioner of the department of early education and care and, for middle schools or high schools, a representative of the higher education community selected by the secretary; and (x) a member of the community appointed by the chief executive of the city or town.". The amendments were adopted.

Representatives Clark of Melrose and Wolf of Cambridge then moved to amend the bill in section 1, in line 64, after the word "town" (inserted by amendment) by inserting the following: "; and (xi) as appropriate, a representative of an early education and care provider chosen by the commissioner of the department of early education and care"; and, in line 293, after the word "town" (inserted by amendment) by inserting the following: "; and (xi) as appropriate, a representative of an early education and care provider chosen by the commissioner of the department of early education and care". The amendments were adopted.

Mr. McCarthy of East Bridgewater then moved to amend the bill in section 1, in line 10, after the definition of "Department" by inserting the following definition:—

" 'District', or 'school district', the school department of a city or town.". The amendment was adopted.

Mr. Brownsberger of Belmont then moved that the bill be amended in section 2, in line 573, after the phrase "18 per cent" by inserting the following: "; provided however that if a school district's Student Growth Percentile (or other similar measure of improvement adopted by the Board) places the district in the upper half of districts based on improvement in the most recently computed school year, then said district's total charter school tuition payment to commonwealth charter schools may exceed 9 percent of said district's net school spending only with the approval of the district School Committee". The amendment was rejected.

Recesses.

At ten minutes after four o'clock P.M., on motion of Mrs. Haddad of Somerset (Mr. Petrolati of Ludlow being in the Chair), the House recessed until the hour of five o'clock; and at ten minutes after five o'clock the House was called to order with Mr. Donato of Medford in the Chair.

The House thereupon took a further recess, on motion of Mr. Spellane of Worcester, until a quarter before six o'clock; and at two minutes before six o'clock the House was called to order with Mr. Donato in the Chair.

Pending the question on passing the bill, as amended, to be engrossed, in concurrence, Ms. Ferrante of Gloucester moved to amend it in section 2, at the end of paragraph (e) by inserting the words "and a detailed explanation of which programs and curriculum are different and how they differ from current offerings within the school district". The amendment was rejected.

The same member then moved to amend the bill in section 2, at the end of paragraph (j), by inserting the following sentence: "Within 30 days of the approval of a new commonwealth charter

school in any community, the board shall issue a written confirmation that the school meets all of the requirements set out in this section and in the implementing regulations, and a summary of the reasons thereof.". The amendment was rejected.

Ms. Ferrante then moved to amend the bill in section 2, in paragraph (ee), by striking out the words "or the school has violated any provision of its charter" and inserting in place thereof the words "or the school has violated any provision of its charter or the board has substantially violated any provision of this section or its implement regulations in granting the charter". The amendment was rejected.

Ms. Ferrante of Gloucester then moved to amend the bill in section 2, at the end of paragraph (ee), by inserting the following sentence: "The board may also, on its own motion or by request, reconsider its grant of a charter and revoke or suspend said charter within six months of approval of that charter; provided, that the charter applicant shall be given sufficient notice and an opportunity to be heard before the board on the matter.". The amendment was rejected.

The same member then moved to amend the bill by adding the following section:

"SECTION 6. The Legislature, having made a finding that the grant of the charter to Gloucester Community Charter Arts School is unlawful and not in accordance with the procedures, regulations and statues of the Commonwealth of Massachusetts, as evidenced and concluded by the Massachusetts Office of the Inspector General, hereby renders the charter void.".

The amendment was rejected.

Mr. Hill of Ipswich moved to amend the bill by adding the following section:

"SECTION 6. Chapter 71 of the General Laws is hereby amended in Section 2 by adding after the word 'government' the following phrase:— and a program of relating to the flag of the United States of America, including but not limited to proper etiquette, the correct use and display of the flag, and the provisions of 36 U.S.C. 170 to 177.".

The amendment was adopted.

Ms. St. Fleur of Boston then moved to amend the bill by adding the following section:

"SECTION 7. The department shall draft a model policy for school districts regarding the grade placement and eligibility for high school graduation of students leaving a commonwealth charter school and seeking to enroll in a district school. In drafting said model policy, the department shall confer with school districts and commonwealth charter schools. Said model policy shall be made available no later than December 31, 2010. Until a school district adopts a policy regarding the grade placement or eligibility for high school graduation of students leaving a commonwealth charter school, when determining the appropriate grade placement or eligibility for high school graduation of a student leaving a commonwealth charter school and enrolling in a district school, a district shall examine the course of study and level of academic attainment of the student.".

The amendment was adopted.

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Ms. Sandlin of Agawam then moved to amend the bill in section 1, in line 98, by inserting after the word "education" the following: "(xiv) developmentally appropriate child assessments from pre-kindergarten through third grade, if applicable"; and, in line 326, by inserting after the word "education" the following: "(xiii) developmentally appropriate child assessments from pre-kindergarten through third grade, if applicable". The amendments were adopted.

The same member and Mr. Fernandes of Milford then moved to amend the bill in section 1, in lines 170 to 173, inclusive, by striking out the sentence contained therein and inserting in place the following sentence: "(i) Notwithstanding the provisions of subsection (h), the commissioner subject to the review and approval of the school committee may recommend to the board that an external receiver, as defined in subsection (h), be appointed to operate an underperforming school and implement the turnaround plan, or to assist the superintendent with such implementation.". The amendment was rejected.

The same members then moved to amend the bill in section 1, in lines 191 to 194, inclusive, by striking the paragraph contained therein and inserting in place the following paragraph:

"(l) In the case of an underperforming and chronically underperforming school or district the commissioner or his designee or external receiver, as applicable, shall provide a written report to the school committee, and at the request of the school committee shall present such report and respond to questions of the school committee on a quarterly basis to provide specific information about the progress being made on the implementation of the school's turnaround plan.".

The amendment was rejected.

Representatives Sandlin of Agawam and Fernandes of Milford then moved to amend the bill in section 1, in lines 198 and 199, by striking the sentence contained therein and inserting in place thereof the following sentence: "The review shall be in writing and shall be submitted to the superintendent and school committee pursuant to the provisions of subsection (l) no later than July 1 for the preceding school year.". The amendment was rejected.

The same members then moved to amend the bill in section 1, in lines 251 to 261, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:

"Section 1K. (a) Upon a determination of the board pursuant to regulations adopted by the board and consistent with the provisions of subsection 1(b) that a school district, other than a single school district, has scored in the lowest 10 per cent statewide in student achievement data collected pursuant to section l(l), when compared with other district performance in schools of the same grade levels, and has consistently failed to improve the academic performance of students attending school in the district, the commissioner shall appoint a district review team pursuant to section 55A of chapter 15 to assess and report on the reasons for the underperformance and prospects for improvement, unless there has been such as assessment by a district review within the previous year that the commissioner considers adequate. Upon review of the findings of the district review team, the board may declare the district chronically under-

performing. Not more than 2.5 per cent of the total number of school districts may be designated as chronically underperforming at any given time.".

The amendment was rejected.

Representatives Sandlin and Fernandes then moved to amend the bill in section 1, in lines 382 to 390, inclusive, by striking out the two paragraphs contained therein and inserting in place thereof the following two paragraphs:

"(g) The commissioner or his designee or external receiver, as applicable, shall provide a written report to the school committee, and at the request of the school committee shall present such report and respond to questions of the school committee on a quarterly basis to provide specific information about the progress being made on the implementation of the district's turnaround plan.

(h) The commissioner shall annually evaluate the performance of the receiver. The purpose of such annual evaluation shall be to determine whether the district has met the annual requirement of the turnaround plan and to assess the overall implementation of the turnaround plan. The evaluation shall be in writing and shall be submitted to the board and the local school committee pursuant to the provisions of section 1 (l) no later than July 1 for the preceding school year.".

The amendment was rejected.

Ms. Sandlin of Agawam then moved to amend the bill in section 2, in line 607, by inserting after the word "conditions." the following sentence: "When approving a new charter school, a renewal of a charter school or an expansion of an existing charter school, the board shall take into account the financial impact on the sending school districts and shall not grant a new charter, renew or expand an existing charter if it finds that the sending districts would be significantly adversely impacted.". The amendment was rejected.

The same member then moved to amend the bill in section 2, after line 881, by inserting the following paragraph:

"The total tuition amount owed by a sending district to a charter school shall be limited to 75% of the sum of the foundation budgets and adjusted foundation spending percentage to a maximum of $5000 per pupil, multiplied by the total number of students attending the charter school from that district in the current fiscal year, provided that the tuition owed by a sending district shall exclude pupils who did not attend sending district public schools in the prior year but who were resident and eligible to attend public schools. The sending district's charter school tuition payments for purposes of the following paragraphs shall be the sum of the district's tuition amounts for each charter school to which the district sends students calculated using the provisions of this section. The receiving charter school's total charter school tuition amount shall be the sum of the tuition amounts calculated for the charter school for each district sending students to the charter school including tuition for students who, although eligible, did not attend district public schools in the prior year. The department of education shall, subject to appropriation, provide funding for any difference between the receiving charter school's total charter school tuition and the sending district's

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tuition payment.", in lines 890 to 901, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:

"The state treasurer is herby authorized and directed to deduct a district's total charter school tuition payment, as calculated herein and subject to a maximum of $5000 per pupil, from the total state school aid, as defined in section 2 of said chapter 70, of the district in which the student resides prior to the distribution of said aid. In the case of a child residing in a municipality which belongs to a regional school district, the charter school tuition amount shall be deducted from said chapter 70 education aid of the school district appropriate to the grade level of the child. If, in a single district, the total of all such deductions exceeds the total of said education aid, this excess amount, shall be deducted from other aid appropriated to the city or town. If, in a single district, the total of all such deductions exceeds the total state aid appropriated, the commonwealth shall appropriate this excess amount; provided, however, that if said district has exempted itself from the provision of chapter 70 by accepting section 14 of said chapter 70, the commonwealth shall assess said district for said excess amount.", and in lines 905 to 908, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:

"The department shall, subject to appropriation, provide funding to charter schools for a capital needs allocation. The department shall calculate a statewide per pupil average expenditure from state and local sources for capital costs solely associated with payments, including interest and principal payments, for the construction, renovation, purchase, acquisition, or improvement of school buildings and land. The department shall multiply said amount by the number of students the district sends to charter schools, and shall provide funding directly to charter schools for said costs. Such funding shall not be included in the tuition amount, and shall not be deducted from the chapter 70 aid of the sending district. In making these calculations, the department shall use date from the most recent year for which actual district expenditures have been reported by districts to the department. The board of elementary and secondary education shall adopt regulations for implementing the provisions of this subsection, including, but not limited to, regulations for determining the actual per pupil net school spending amounts in districts, and for calculating charter school tuition amounts. In adopting said regulations, the department shall consult with the executive office of administration and finance.".

The amendments were rejected.

Representatives Sandlin of Agawam and Sciortino of Medford then moved to amend the bill in section 2, in lines 912 to 915, inclusive, by striking out the sentence contained therein and inserting in place thereof the following sentence: "The reimbursement amount shall be equal to 100 per cent of the increase in the year in which the increase occurs: 60 per cent of that amount in the first year following; 40 per cent of that amount in the second year following; and 25 per cent in the fourth and fifth years following.". The amendment was rejected.

Representatives Sandlin of Agawam and Fernandes of Milford moved to amend the bill in section 2, in lines 919, 921 and 924, by striking out the figures "20" and inserting in place thereof, in each instance, the figure "5". The amendments were rejected.

Representatives Sandlin of Agawam and Fernandes of Milford moved to amend the bill by adding the following section:

"SECTION 8. In the event that the provisions of this act require bargaining with the employee representative, the school district shall be represented pursuant to chapter 150E.".

The amendment was rejected.

Ms. Polito of Shrewsbury and other members of the House then moved to amend the bill [A] in section 2, in lines 909 to 915, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:

"(gg). In a year during which a sending district's total district-sponsored charter school tuition amount is greater than the sending district's total district-sponsored charter tuition amount for the previous year, the sending district shall be reimbursed by the Commonwealth in accordance with this paragraph and subject to appropriation; provided, however, that no funds for the reimbursements shall be deducted from funds distributed under Chapter 70. The reimbursement amount shall be equal to 100 per cent of the increase in the year in which the increase occurs, 60 per cent in the second year, 40 per cent in the third year, and 35 per cent in the fourth, fifth, and sixth years following.".

Pending the question on adoption of the amendment, Mr. Pedone of Worcester moved to amend it by striking out the text contained therein [at "A"] and inserting in place thereof the following:— by adding the following section:

"SECTION 8. There is hereby established a charter school working group to study the fiscal impact of charter school upon the districts that would otherwise be expected to educate the students they enroll. The working group shall report its findings and conclusions to the general court and make recommendations regarding any necessary legislative and regulatory changes which are suggested by those findings and conclusions. The first meeting of the working group shall take place within 30 days after the effective date of this act.

The working group shall consist of: the speaker of the house of representatives, or his designee; the president of the senate, or her designee; the minority leaders of the house and senate, or their designees; the house and senate chairs of the joint committee on education; the chairs of the house and senate committee on ways and means, who shall serve as co-chairs; the secretary of administration and finance, or his designee; the secretary of education, or his designee; the Commissioner of Elementary and Secondary Education, or his designee; and 2 appointees of the governor.

In carrying out its charge, the working group shall examine, report on, and make recommendations regarding, the following matters:

(a) the appropriateness and effectiveness of the provisions of chapter 71, section 89(gg), as amended by this act, at minimizing the adverse financial impact of charter schools on sending school districts.

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(b) Whether a three-year period of time between charter approval, or significant expansion, and the end of transitional reimbursements made under the provision of subsection (gg) are sufficient for sending districts to adjust to the enrollment changes resulting from the establishment, or expansion, of a charter school.

(c) Whether tuition reimbursements payments should continue to be made to sending districts for a period beyond three years after a charter school has reached is projected and approved enrollment cap to reimburse rising costs associated with normal enrollment fluctuations and inflation costs already included in calculations of so-called chapter 70 aid. Said report shall include approximate ongoing and projected costs to the commonwealth of continuing such reimbursement for normal enrollment fluctuations and inflation costs.

(d) The appropriateness and financial implications of establishing a minimum percentage of foundation budgets of students attending charter schools to be paid to sending districts by the commonwealth from all state aid sources on an ongoing basis.

The working group shall solicit advice from such persons and entities as it deems necessary, including the department of education, associations representing superintendents, other educational administrators, teachers, school business officers, municipal officials and charter schools.

The working group shall file a report containing its recommendations, including legislation and regulations necessary to carry out its recommendations, with the joint committee on education and the clerks of the house and senate not later than December 31, 2010 months following the first meeting of the working group.".

Further amendment adopted,— yea and nay No. 275.

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays at the request of Ms. Polito of Shrewsbury; and on the roll call 121 members voted in the affirmative and 33 in the negative.

[See Yea and Nay No. 275 in Supplement.]

Therefore the further amendment was adopted, thus precluding a vote on the pending amendment.

Mr. Petrolati of Ludlow being in the Chair,— Ms. Provost of Somerville then moved to amend the bill in section 2, in lines 567 to 605, inclusive, by striking out the three paragraphs contained therein. After remarks the amendment was rejected.

Ms. St. Fleur of Boston and other members of the House then moved to amend the bill in section 1, line 53, by inserting after the word "appropriate." The following sentence: "The commissioner may allow for an expedited turnaround plan for schools that have been previously designated as underperforming and where the district has turnaround plan that has had a public comment period, and approval of the local school committee.". The amendment was adopted.

Ms. Khan of Newton of Newton and other members of the House then moved to amend the bill in section 1, in lines 110 to 114, inclusive, by striking out clause (iv) and inserting in place thereof the following clause: "(iv) provide funds, subject to appropriation and following consultation with applicable local unions, to increase the salary of any administrator, school nurse or teacher in the school, in

order to attract or retain highly qualified administrators, school nurses or teachers or to reward administrators, school nurses or teachers who work in underperforming schools that achieve the annual goals set forth in the turnaround plan"; in lines 125 and 126, by striking out clause (x) inserting in place thereof the following clause: "(x) include a provision of job-embedded professional development for teachers or school nurses at the school, with an emphasis on strategies that involve teacher or school nurse input and feedback"; in line 339 to 343, inclusive, by striking out clause (iii) and inserting in place thereof the following clause: "(iii) provide funds, subject to appropriation, to increase the salary of any administrator, school nurse or teacher in the district working in an underperforming or chronically underperforming school, in order to attract or retain highly qualified administrators, school nurses or teachers to those schools or in order to reward administrators, school nurses or teachers who work in chronically underperforming districts that achieve the annual goals set forth in the turnaround plan"; and, in lines 352, 353 and 354, by striking out clause (ix) and inserting in place thereof the following clause: "(ix) include a provision of job-embedded professional development for teachers or school nurses in the district, with an emphasis on strategies that involve teacher or school nurse input and feedback".

After remarks the amendments were adopted.

Suspension of Rule 1A.

The Chair (Mr. Petrolati of Ludlow) 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. 276.

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 129 members voted in the affirmative and 26 in the negative.

[See Yea and Nay No. 276 in Supplement.]

Therefore Rule 1A was suspended.

Mr. Donato of Medford being in the Chair,— Ms. Story of Amherst then moved to amend the bill in section 1, in line 107, after the word "school", and also in line 335, after the word "district" (the second time it appears), by inserting, in each instance, the words ", including the implementation of research based early literacy programs and one on one early literacy interventions for struggling readers". After remarks the amendments were adopted.

Ms. Wolf of Cambridge then moved to amend the bill section 2, in line 503, by striking out the word "and"; and, in line 507, by inserting after the word "profile" the following: "; and (xvi) plans for disseminating successes and innovations of the charter school to other non-charter public schools". After remarks the amendments were adopted.

Mr. Murphy of Burlington and other members then moved to amend the bill in section 1, in line 89, after the word "applicable" by inserting the following: "; (xi) alternative English language learning programs for limited English proficient students, notwithstanding chapter 71A"; in line 142, after the word "cause" by inserting the following paragraph:

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"For a school with limited English proficient students, the professional development and planning time for teachers and administrators identified in clauses (x), (xi) and (xii) shall include specific strategies and content designed to maximize the rapid academic achievement of limited English proficient students at the school."; in line 317, after the word "applicable" by inserting the following: "; (x½) alternative English language learning programs for limited English proficient students, notwithstanding chapter 71A"; in line 366, by inserting the following paragraph:

"For a district with limited English proficient students, the professional development and planning time for teachers and administrators identified in clauses (ix), (x) and (xi) shall include specific strategies and content designed to maximize the rapid academic achievement of limited English proficient students in the district.", and by adding the following section:

"SECTION 9. Notwithstanding any general or special law to the contrary, any underperforming or chronically underperforming school, as designated by section 1J of chapter 69 of the General Laws, operating a limited English proficient program or programs for limited English proficient students in any 1 language group shall establish a limited English proficient parent advisory council. The parent advisory council shall be comprised of parents or legal guardians of students who are enrolled in limited English proficient programs within the school. Each parent advisory council shall have at least 1 representative from every language group in which a program is conducted in a given school. Membership shall be restricted to parents or legal guardians of students enrolled in limited English proficient programs within the school. The duties of the parent advisory council shall include, but not be limited to, advising the school on matters that pertain to the education of students in limited English proficient programs, meeting regularly with school officials to participate in the planning and development of a plan to improve educational opportunities for limited English proficient students, and to participate in the review of school improvement plans established under section 59C of chapter 71 of the General Laws as they pertain to limited English proficient students. Any parent advisory council may, at its request, meet at least once annually with the school council. The parent advisory council shall establish by-laws regarding officers and operational procedures. In the course of its duties under this section, the parent advisory council shall receive assistance from the director of limited English proficient programs for the district or other appropriate school personnel as designated by the superintendent.".

After remarks the amendments were adopted.

Mr. Stanley of Waltham then moved to amend the bill by adding the following section:

"SECTION 10. Subsection (g) of section 89 of Chapter 71 of the General Laws, as so appearing, is hereby amended by adding the following sentence:— The public hearing shall be held in the town where said charter school is to be located and a majority of the members of the board of education shall be present.".

The amendment was rejected.

The same member then moved to amend the bill in section 2, in line 915, by inserting after the word "following" the following: "; and 25 per cent of that amount in the third and fourth years following". The amendment was rejected.

Mr. Stanley then moved to amend the bill in section 2, in lines 514 to 521, inclusive, by striking out clause (g) and inserting in place thereof the following clause:

"(g) In order to ensure that a commonwealth charter school is able to fulfill its obligations under its recruitment and retention plan, the school district or districts from which the commonwealth charter school is expected to enroll students shall annually provide, but only with the approval of the local school board for a district charter school or by the majority of school committees for a regional charter school, at the request of a commonwealth charter school, to a third party mail house authorized by the department, the addresses for all students in the district eligible to enroll in the school, unless a student's parent or guardian requests that the district withhold this information, and the department may require the charter school send a mailing in the most prevalent languages of the district or districts that the charter school is authorized to serve.".

The amendment was rejected.

Messrs. Sciortino of Medford and Sannicandro of Ashland then moved to amend the bill by adding the following section:

"SECTION 10. The MCAS exam, as established in section 1I of Chapter 69 of the General Laws, shall not be used for the purpose of competency determination for high school graduation.".

The amendment was rejected.

The same members then moved to amend the bill by adding the following section:

"SECTION 10. The Commissioner of Elementary and Secondary Education shall select a panel of three experts from a list of nationally qualified experts in educational assessment provided by the National Research Council of the National Academy of Sciences, and two educators, one an elementary teacher and the other a secondary school teacher, from a list of experienced teachers provided by the Massachusetts Teachers Association and the AFT-Massachusetts, to perform a study of the statewide standardized tests established in section 1I of Chapter 69 of the General Laws, as appearing in the 2008 Official Edition.

The study shall review the validity, reliability, quality and age and language appropriateness of the standardized tests established in section 1I. It shall evaluate the extent to which the MCAS tests reflect and assess the full range of the subject areas, including higher order thinking skills. The study shall review both possible benefits and negative consequences of using such tests in meeting the high school graduation competency determination. The study shall also make recommendations on the development of local interim and summative assessments and professional development for teachers in using those assessments and in the use of effective formative assessment practice.

The Commissioner of Elementary and Secondary Education shall enter into a contract on behalf of the Department of Elementary and

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Secondary Education, with the selected panel to conduct such a study. The Commissioner and the Department of Elementary and Secondary Education shall assist the panel in obtaining all information, documents or other evidence necessary to conduct the study. The department may use a portion of such funds as may be received from the Race to the Top program in the federal ARRA for this purpose. The findings, conclusions and recommendations of the Commission shall be presented to the Board of Elementary and Secondary Education, to the Joint Committee on Education, and published on the Department of Elementary and Secondary Education website no later than December 31, 2010.".

The amendment was rejected.

Messrs. Hill of Ipswich and Jones of North Reading then moved to amend the bill by adding the following section:

"SECTION 10. In order to determine, as a basis for legislative action, the resources needed to achieve the commonwealth's educational goals, a committee, to be known as the Education Resource Study Committee, made up of the chairs of the Joint Committee on Education, the Secretary of Administration and Finance or his designee, and the Secretary of Education or his designee is hereby authorized to conduct a study to determine the resources necessary to achieve the commonwealth's educational goals. The committee shall contract with an independent consultant to conduct an assessment to ascertain the resources and the costs of the resources needed to provide all students in Massachusetts with the opportunity for a high quality education to enable them to reach their potential as set forth in the Education Reform Act of 1993 and in this act.

For purposes of its work, the committee and consultant shall have access to all necessary papers, vouchers, books and records pertaining to the department of elementary and secondary education and to any school district in the commonwealth. The department of elementary and secondary education shall cooperate with the committee and consultant for any purpose connected to its work pursuant to this act, including, but not limited to, participating in interviews and producing books, records and documents. School districts and their personnel shall make every effort to cooperate with reasonable requests of the committee and consultant for any purpose connected to its work pursuant to this act and to the extent possible shall participate in interviews and producing books, records and documents. The committee and consultant may request reasonable assistance from the commissioner of elementary and secondary education and from the superintendent of any school district. The commissioner shall furnish the committee and consultant with any relevant information in his possession which is requested by the committee and consultant. School districts shall endeavor to provide relevant information in their possession to the committee and consultant to the extent possible consistent with the need to maintain the confidentiality of information in their possession.

The committee shall:

(1) Prepare a request for proposals for the conduct of a resource study, advertise nationally for such proposals, evaluate the proposals and contract with an appropriate independent entity or independent consultants to conduct a professional evaluation of

a) the extent of educational and other resources required by school districts so that they are able to implement fully each of the seven curriculum frameworks and fulfill the goals of the Education Reform Act and this act, and

b) the resources required by the department of elementary and secondary education so that it is able to fulfill its responsibilities under the provisions of the Education Reform Act. Such responsibilities shall include providing technical assistance to school districts so that they can improve the capacity of school districts to implement the curriculum frameworks effectively and devising instructional strategies which improve learning for diverse student populations.

(2) Include in its request for proposals the requirements that in conducting its study, the consultant shall do the following:

(a) consider and evaluate all the resources which relate to student learning and educational opportunity, including, but not limited to: class size; special education programs, including programs for English language learners; pre-school programs for all 3- and 4-year-olds and full-day kindergarten; additional resources needed to assure educational opportunity for low-income students; salaries needed to attract and retain high quality professionals; technology; extra-curricular programs; remedial programs for students at risk of failing to satisfy graduation requirements; additional resources needed to implement the model curriculum on global education and international studies as developed by the department of elementary and secondary education; quality books and equipment for science lab programs; programs which insure adequate preparation for careers in science, technology engineering and mathematics; and historical inequities and methods of preventing such inequities from arising in the future;

(b) provide the committee with a proposed work plan before beginning the study;

(c) interview and consult with representatives of educational professions and other groups involved in issues of educational policy and finance, including, but not limited to, the Massachusetts Association of School Superintendents, the Massachusetts Association of School Committees, the Massachusetts Teachers Association, the American Federation of Teachers/Massachusetts, the Massachusetts Municipal Association, the Rennie Center for Education Research and Policy, the Council for Fair School Finance, the Massachusetts Budget and Policy Center, the Massachusetts Taxpayers Foundation, Massachusetts Business Alliance for Education, the Commissioner of the Department of Elementary and Secondary Education, the Robert H. Goddard Council on Science, Technology, Engineering, and Mathematics (STEM) Education, the Massachusetts STEM Resource Network, the Massachusetts Parent Teacher Organization, Stand for Children, academics and researchers involved in educational strategies, and the general public through public hearings and through such other means as the consultant shall direct;

(d) review successful educational programs in schools and school districts with diverse socio-economic characteristics and racial make-up and assess the possibility of replicating such programs in other schools and school districts;

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(e) file monthly progress reports with the committee outlining the work of the previous month and the work planned for the upcoming month;

(f) after the completion of one-third of the work and again after completion of two-thirds of the work, participate in a forum with the committee to provide an opportunity for public comment;

(g) issue a preliminary report on its work and the cost study and solicit comments, criticisms and suggestions from professional educators, education administrators and experts in education policy and finance concerning the report; and

(h) deliver a final report to the president of the senate, the speaker of the house of representatives, and the joint committee on education no later than September 1, 2011.".

Pending the question on adoption of the amendment, Mr. Kaufman of Lexington moved to amend it by striking out the proposed section 10 and inserting in place thereof the following section:

"SECTION 10. In order to inform the general court, and any legislative working group, in its efforts to appropriately identify the financial and programmatic resources required to achieve the educational goals of the commonwealth, the commissioner of elementary and secondary education is hereby directed to report and advise the general court on the following matters:

a. The most current and accurate methodologies in use in other states, municipalities, or school districts in order to determine the programmatic and financial resources required to meet the educational goals of those states, municipalities, or school districts.

1. The account of such methodologies shall include a summary of current academic debates, from refereed academic journals or other scholarly publications known to the department of elementary and secondary education (DESE) regarding the various strengths and shortcomings of the identified methodologies currently in use.

b. A listing of the various academic and consulting services available to the general court if it chooses to utilize any one of, or combination of, the identified methodologies in its efforts to accurately identify the resources required to meet its goals.

1. The listing shall include a proposal of how the general court should solicit participation by such academic or consulting services and secure such services at a competitive price.

c. A detailed summary of the appropriate elements, matters, and topics to be evaluated and addressed by such legislative study group and an anticipated timeline for the group to thoroughly consider all relevant matters.

d. An estimate of the likely cost of hiring consultant services to assist a legislative working group in its efforts to appropriately identify the financial and programmatic resources required to achieve the educational goals of the Commonwealth.

e. A description of the services, support, and information that the department believes it is best suited to provide to such a working group.

f. A listing of the specific capacity of the department to provide the following information and support to the working group and the budget necessary for the department to do so:

1. Staff expertise on matters relating to school and district financing, program offerings, and program evaluations.

2. Data on school and district expenditures and revenues from all sources.

3. An analysis of the costs and expenditures of schools and districts relative to the categories of their foundation budgets as calculated pursuant to chapter 70 and how such relative costs and expenditures have changed in the period since adoption of the Massachusetts Education and Reform Act of 1993.

The commissioner shall file his report containing any recommendations related to the above listed matters with the joint committee on education and the clerks of the house and senate not later than September 1, 2010.".

Further amendment adopted,—yea and nay No. 277.

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays at the request of Mr. Hill of Ipswich; and on the roll call 118 members voted in the affirmative and 37 in the negative.

[See Yea and Nay No. 277 in Supplement.]

Therefore the further amendment was adopted, thus precluding a vote on the pending amendment.

Mr. McCarthy of East Bridgewater then moved to amend the bill in section 2, in line 512, after the word "shall" by inserting the words "be updated annually and shall"; and, in line 906, by inserting after the word "amount" the words "and shall reimburse the sending school districts for said costs". The amendments were adopted.

Mr. Murphy of Burlington then moved to amend the bill in section 2, in line 677, after the word "admitted." by inserting the following paragraph:

"When a student stops attending a charter school for any reason, the charter school shall fill the vacancy with the next available student on the waitlist for the grade in which the vacancy occurs and shall continue through the waitlist until a student fills the vacant seat. If there is no waitlist, a charter school shall publicize an open seat to the students of the sending district or districts and make attempts to fill said vacant seat. Charter schools shall attempt to fill vacant seats up to February 15, provided, however, that charter schools may but are not required to fill vacant after February 15. If a vacancy occurs after February 15, such vacancy shall remain with the grade cohort and shall be filled in the following September if it has not previously been filled. A vacancy occurring after February 15 shall not be filled by adding a student to a lower grade level. For schools that begin in grades K, 1, 2 or 3, this paragraph shall apply only to the first three grades served in the school. For schools that begin in grades 4, 5, 6, 7 or 8, this paragraph shall apply only to the first two grades served in the school. For schools that begin in grade 9, this paragraph shall apply only to the first grade served in the school. Within 30 days of a vacancy being filled, the charter school shall send the name of the student filling such vacancy to the department for the purposes of the department updating its waitlist.".

The amendment was adopted.

Mr. Stanley of Waltham then moved to amend the bill by adding the following section:

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"SECTION 11. Notwithstanding any general or special law to the contrary, any charter school whose charter was granted after January 1, 2010 and offers residential housing for its students shall be funded by any town where a student primarily resided in the previous 12 months prior to enrollment.".

The amendment was rejected.

Ms. Wolf of Cambridge then moved to amend the bill in section 1, in line 98, after the word "education." by inserting the following paragraph:

"In developing the educational program of the turnaround plan, the commissioner and stakeholder group shall consider including evidenced based approaches to assisting students at risk and closing the achievement gap that are relevant for the school level and demographics of the underperforming school such as, but not limited to, programs that improve school readiness for children including their social, emotional, and cognitive development; universal breakfast; full day kindergarten; early literacy programs; low class size in grades K-3; trauma sensitive schools; intensive English Language Learner programs; inclusion programs; extended day or week programs; summer programs; thematic approaches, e.g. arts, or math, science, and technology; or breaking up large schools into smaller administrative and academic units. To the extent that such programs require additional funds, the superintendent, the local stakeholder group, the school committee and the commissioner shall coordinate with the secretary of education to advocate for grants from the state and federal government and contributions from charitable foundations or private corporations.".

The amendment was adopted.

Representatives Sandlin of Agawam and Peake of Provincetown then moved to amend the bill by adding the following section:

"SECTION 11. Notwithstanding any general or special law to the contrary, regional school transportation payments made by the state in any fiscal year through the general appropriations act shall not be reduced by more than 110 per cent of any reduction made to chapter 70 payments in that fiscal year.".

The amendment was adopted.

Mr. Sciortino of Medford then moved to amend the bill in section 2, in line 920, after the word "year", by inserting the words "as is reported in a capital plan to be submitted in the school's most recent annual report". The amendment was adopted.

The same member then moved to amend the bill in section 1, in line 133, after the following: "subsection (c)" (as changed by the committee on Bills in the Third Reading) by inserting the following: "; or (xiv) establish strategies to address mobility and transiency among the student population of the school.", and in line 360, after the following: "subsection (b)" inserting the following: "; or (xiii) establish strategies to address mobility and transiency among the student population of the district".

The amendments were adopted.

Ms. Ferrante of Gloucester then moved to amend the bill by adding the following section:

"SECTION 12. Commonwealth charter schools shall be funded as follows: the commonwealth shall pay a tuition amount to a charter school, which shall be the sum of the tuition amounts calculated separately for each district sending students to the charter school, provided, however, that the commonwealth shall not pay any tuition to a charter school that receives a charter from the board of education after January 1, 2009 unless the secretary of education first certifies in writing to the governor that the charter was granted in accordance with the provisions of this act and that the charter school office of the department of elementary and secondary education made a determination prior to the granting of the charter that the charter group's application meets the criteria for the final charter application. Should the Secretary not be able to certify the charter in accordance with this subsection, the board of elementary and secondary education shall have the authority to render the charter void.".

The amendment was rejected.

The same member then moved to amend the bill in section 2, in line 529, after the word "hearing.", by inserting the following sentence: "A comprehensive written summary of all materials prepared by the Department of Elementary and Secondary Education or its administrative subdivisions, which evaluates or recommends approval or disapproval of a charter application must be delivered to the members of the board, the applicant, in support of, or in opposition to, the school submitted no later than 3 days before any board vote on said charter application." The amendment was rejected.

Ms. Grant of Beverly and other members of the House then moved to amend the bill in section 2,in lines 588, 589 and 590 by striking out the sentence contained therein; and the amendment was rejected.

Ms. Grant and other members of the House then moved to amend the bill in section 2, in lines 847 to 856, inclusive, by striking out clause (ff) and inserting in place thereof the following clause:

"(ff) For each student enrolling in a charter school, there shall be a school choice tuition amount. Said tuition amount shall be not more than five thousand dollars per pupil per year; provided, however, that for non-residential special education students, the tuition amount shall remain the expense per student for such type of education as is required. Any remaining tuition shall be funded by a separate line item in the budget of the Department of Elementary and Secondary Education; provided, that no funds shall be taken from Chapter 70 school funding.".

The amendment was rejected.

Mr. Donelan of Orange then moved to amend the bill in section 3, in line 1078, after the word "attendance" by inserting the words "or participation"; and the amendment was adopted.

Ms. Forry of Boston and other members of the House then moved to amend the bill in section 2, in line 596, after the word "students" by inserting the following: "from either special education and students who are limited English proficient or similar language proficiency as measured by the Massachusetts English Proficiency Assessment examination and 2 or more of the following categories: students eligible for free lunch; students eligible for reduced price lunch; students

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who are sub-proficient, which shall mean students who have scored in the 'needs improvement', 'warning' or 'failing' categories on the mathematics or English language arts exams of the Massachusetts Comprehensive Assessment System for 2 of the past 3 years or as defined by the department using a similar measurement; students who are determined to be at risk of dropping out of school based on predictors determined by the department; students who have dropped out of school; or other at-risk students who should be targeted in order to eliminate achievement gaps among different groups of students". The amendment was adopted.

Messrs. Tobin of Quincy and Walsh of Boston then moved to amend the bill in section 1, in lines 137 to 142, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:

"If the superintendent does not accept an application submitted pursuant to clause (vii), or if an employee does not submit such an application, the principal, administrator, teacher, or staff member shall retain such rights as may be provided under law or any applicable collective bargaining agreement, except that they shall not have the right to displace any teacher with professional teacher status in any other school. A teacher with professional teacher status in a school declared underperforming may be dismissed for just cause. A teacher with professional teacher status in a chronically underperforming school may be dismissed for good cause.", and in lines 361 to 366, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:

"If the receiver does not accept an application submitted pursuant to clause (vii), or if an employee does not submit such an application, the principal, administrator, teacher, or staff member shall retain such rights as may be provided under law or any applicable collective bargaining agreement. A teacher with professional teacher status in a district declared underperforming may be dismissed for just cause. A teacher in a chronically underperforming school district may be dismissed for good cause.".

The amendments were adopted.

Ms. St. Fleur of Boston and other members of the House then moved to amend the bill in section 2, in line 467, after the word "agent" by inserting the following: "; provided, however, that as many as 9 Horace Mann charter schools may be approved in the city of Boston by the local school committee and the superintendent"; and, in line 826, after the word "located" by inserting the following: "; provided, however, that the 9 Horace Mann charter schools established in the city of Boston under subsection (c) may be renewed with the approval of the local school committee and superintendent".

The amendments were adopted.

Messrs. Donelan of Orange and Kulik of Worthington then moved to amend the bill by adding the following section:

"SECTION 12. Section 61 of chapter 71 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by adding the following paragraph:—

A town may withdraw from participation in a union by a majority vote of the school committee of the town. Said withdrawal may be for the purpose of forming an innovation school or exploring alter-

native school governance structures. Withdrawal and termination of participation by a town shall be independent of any pending votes regarding dissolution of the union or pending votes by another town regarding its participation. The school committee shall designate an effective date for termination or participation.".

The amendment was adopted.

Mr. Murphy of Burlington then moved to amend the bill in section 1, in lines 137 to 142, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:

"If the superintendent does not accept an application submitted pursuant to clause (vii) or if an employee does not submit such an application, the principal, administrator, teacher, or staff member shall retain such rights as may be provided under law or any applicable collective bargaining agreement, except that they shall not have the right to displace any teacher in any other school. Notwithstanding any collective bargaining agreement to the contrary, a teacher with professional teacher status in a school declared underperforming or chronically underperforming may be dismissed for good cause, provided that any such dismissal process will be reviewed solely and exclusively by expedited arbitration."; in section 2, in line 529, after the word "hearing." by inserting the following sentence: "A comprehensive written summary of all materials prepared by the Department of Elementary and Secondary Education or its administrative subdivisions, which evaluates or recommends approval or disapproval of a charter application must be delivered to the members of the board, the applicant, in support of, or in opposition to, the school submitted no later than 3 days before any board vote on said charter application.", and by adding the following two sections:

"SECTION 13. Notwithstanding any general or special law to the contrary, the Department of Education is hereby authorized and directed to study the inequities resulting from the past and current applications of the educational funding methodology contained in Chapter 70 of the General Laws as established in the Education Reform Act of 1993 and subsequently modified from time to time.

Said study shall include but not be limited to a) inequities between communities arising from the utilization of local educational authority spending prior to 1993 as a factor in determining a community's ability to pay for education in subsequent years, b) inequities caused by an over-reliance on the property value in a community in calculating a community's ability to pay for education, and c) inequities produced by other elements involved in measuring the ability to pay for education or the accurate cost of education in a particular community. The results of said study, together with any necessary legislative recommendations to eliminate inequities in state educational funding for local school districts, shall be filed with the clerks of the House and Senate not later than June 1, 2010.

SECTION 14. Notwithstanding any general or special law to the contrary, regional school transportation payments made by the state in any fiscal year through the general appropriations act shall not be lowered by a greater percentage than any reduction made to state chapter 70 payments in that fiscal year.".

The amendments were adopted.

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Mr. Murphy of Burlington then moved to amend the bill in section 1, in lines 119 to 123, inclusive, by striking out clause (viii) and inserting in place thereof the following clause: "(viii) if, after considering the recommendations of the group of stakeholders, the commissioner considers it necessary to maximize the rapid academic achievement of students at the applicable school by altering the compensation, hours and working conditions of the administrators, teachers, principals and staff at the school or by altering other provisions of a contract of collective bargaining agreement applicable to the administrators, teachers, principals and staff, the commissioner may request that the school committee and any union bargain or reopen the bargaining of the relevant collective bargaining agreements to facilitate such achievement. The bargaining shall be conducted in good faith and completed not later than 30 days from the point at which the commissioner requested that the parties bargain. The agreement shall be subject to ratification within 10 business days by the bargaining unit members in the school. If the parties are unable to reach an agreement within 30 days or if the agreement is not ratified within 10 business days by the bargaining unit members of the school, the parties shall submit remaining unresolved issues as an appeal to a joint resolution committee for dispute resolution process on the next business day following the end of the 30 day bargaining period or failure to ratify. The joint resolution committee shall be comprised of 3 members, 1 of whom shall be appointed by the employee organization within 3 business days following the submission of unresolved issues to the joint resolution committee, 1 of whom shall be appointed by the superintendent within 3 business days following the submission of unresolved issues to the joint resolution committee and 1 who shall be selected through the American Arbitration Association who shall have an educational background forthwith forward to the parties a list of 3 names from which the parties may agree upon a single conciliator provided, however, that each conciliator from among the 3 and within 3 business days the American Arbitration Association shall select an arbitrator from the remaining names. The joint resolution committee shall conduct a dispute resolution process to be concluded within 10 business days of selection. This process shall be conducted in accordance with the rules of the American Arbitration Association and consistent with this section. The fee for the arbitration shall be shared equally between the 2 parties involved in the arbitration.

The joint resolution committee shall consider the positions of the parties, the designation of the school as underperforming and the needs of the students in the school. Notwithstanding any other provision of this chapter, the decision of the joint resolution committee shall be dispositive of all the issues in dispute and shall be submitted to the parties within 10 business days of the close of the hearing. Under no circumstance, shall a time extension be granted beyond 10 business days of the close of the hearing. In the event that a decision is not submitted to the parties within 10 business days, the Commissioner will resolve all outstanding issues"; in lines 137 to 142, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:

If the superintendent does not accept an application submitted pursuant to clause (vii), or if an employee does not submit such an application, the principal, administrator, teacher, or staff member shall retain such rights as may be provided under law or any applicable collective bargaining agreement, except that they shall not have the right to displace any teacher in any other school. Notwithstanding any collective bargaining agreement to the contrary, a teacher with professional teacher status in a school declared underperforming or chronically underperforming may be dismissed for good cause, provided that any such dismissal process will be reviewed solely and exclusively by expedited arbitration."; in lines 344 to 347, inclusive, by striking out clause (v) and inserting in place thereof the following clause: "(v) if, after considering the recommendations of the group of stakeholders, the commissioner considers it necessary to maximize the rapid academic achievement of students at the applicable school by altering the compensation, hours and working conditions of the administrators, teachers, principals and staff at the school or by altering other provisions of a contract of collective bargaining agreement applicable to the administrators, teachers, principals and staff, the commissioner may request that the school committee and any union bargain or reopen the bargaining of the relevant collective bargaining agreements to facilitate such achievement. The bargaining shall be conducted in good faith and completed not later than 30 days from the point at which the commissioner requested that the parties bargain. The agreement shall be subject to ratification within 10 business days by the bargaining unit members in the school. If the parties are unable to reach an agreement within 30 days or if the agreement is not ratified within 10 business days by the bargaining unit members of the school, the parties shall submit remaining unresolved issues as an appeal to a joint resolution committee for dispute resolution process on the next business day following the end of the 30 day bargaining period or failure to ratify.

The joint resolution committee shall be comprised of 3 members, 1 of whom shall be appointed by the employee organization within 3 business days following the submission of unresolved issues to the joint resolution committee, 1 of whom shall be appointed by the superintendent within 3 business days following the submission of unresolved issues to the joint resolution committee and 1 who shall be selected through the American Arbitration Association who shall have an educational background forthwith forward to the parties a list of 3 names from which the parties may agree upon a single conciliator provided, however, that each conciliator from among the 3 and within 3 business days the American Arbitration Association shall select an arbitrator from the remaining names. The joint resolution committee shall conduct a dispute resolution process to be concluded within 10 business days for selection. This process shall be conducted in accordance with the rules of the American Arbitration Association and consistent with this section. The fee for the process shall be shared equally between the 2 parties involved in the arbitration.

The joint resolution committee shall consider the positions of the parties, the designation of the district as chronically underperform-

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ing and the needs of the students in the school. Notwithstanding any other provision of this chapter, the decision of the joint resolution committee shall be dispositive of all the issues in dispute and shall be submitted to the parties within 10 business days of the close of the hearing. In the event that a decision is not submitted to the parties within 10 business days, the Commissioner will resolve all outstanding issues"; and, in line 367, by striking out the figures "60" and inserting in place thereof the figures "95".

The amendments were adopted.

Mr. Moran of Boston and other members of the House then moved to amend the bill in section 3, in line 1096, after the word "plan" (the first time it appears) by inserting the following: "; provided, however, that in a municipality with more than 500,000 residents there may be as many as 4 new Innovation Schools established solely with the approval of the superintendent and the school committee".

The amendment was adopted.

Bill passed to be engrossed,—yea and nay No. 278.

On the question on passing the bill, as amended, to be engrossed, in concurrence, the sense of the House was taken by yeas and nays at the request of Ms. Walz of Boston; and on the roll call 119 members voted in the affirmative and 35 in the negative.

[See Yea and Nay No. 278 in Supplement.]

Therefore the bill (Senate, No. 2216, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendments adopted by the House [note: This bill was recalled from the Senate and reconsidered the following day. Two adopted amendments were then reconsidered and rejected. See House Journal of Thursday, January 7, 2010].

Orders.

On motion of Mr. O'Flaherty of Chelsea,—

Journal of the House.

Ordered, That the Clerk begin the keeping of, and making available daily in a format determined by the Speaker in consultation with the Clerk, the Journal, as authorized by Rule 10, and that the daily reading thereof be dispensed with, that, under authority of Section 10 of Chapter 5 of the General Laws, copies of the Journal for the entire session be printed and bound with the customary appendices and an index; and that an attested bound copy be deposited with the Secretary of the Commonwealth as the official Journal of the House.

On motion of Mr. Murphy of Burlington,—

Committees of the General Court,—House membership.

Ordered, That notwithstanding the provisions of any rule to the contrary, the House membership of all committees of the General Court for the year two thousand ten shall be the same as at the time of dissolution of the two thousand nine session of the General Court.

On motion of Mr. Jones of North Reading,—

Chaplain's prayers,—printing.

Ordered, That the Clerk be directed to spread upon the records of the House the daily prayers offered by the duly appointed Chaplain.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

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

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twelve minutes after twelve o'clock A.M. (Thursday, January 7), there being no objection, on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the same day at eleven o'clock A.M., in an Informal Session.

Thursday, January 7, 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.

Eternal God, our Creator and Protector, we pause for a moment of prayer as we focus our thoughts and attention on You and spiritual values. In Your goodness help us to keep our own agenda and goals for the day in clear perspective so that spiritual realities are also part of our thoughts during the day. In these uneasy times with an increase of violence and terrorism against the innocent, grant us the wisdom, as a society, to deal with such issues in an effective and mature manner. Inspire us as a people to be united in pursuing and defining the common good, zealous in addressing the many needs of people, especially the marginalized, devoted to the practice of virtue and conscious of the value of moral principles. May we be grateful for all of our blessings as citizens of this state and nation.

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.

Resolutions.

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

"From the Top."

Resolutions (filed by Ms. Fox of Boston) honoring "From the Top" for a decade of showcasing young musicians; and

James M. Szynal, Sr.

Resolutions (filed by Mr. Kocot of Northampton) honoring James M. Szynal, Sr., on the occasion of his seventy-fifth birthday;

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. Hill of Ipswich, 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.

Gardner,—park land.

The House Bill authorizing the city of Gardner to convey certain park land (House, No. 612), came from the Senate passed to be engrossed, in concurrence, with an amendment in section 2, in lines 24 to 27, inclusive (as changed by the Senate committee on Bills in the Third Reading), striking out the words "and (2) Said dwelling units shall be sold or leased by the Greater Gardner Community Development Corporation to individuals who: reside in the city of Gardner;

have parents or siblings who reside in the city of Gardner; or work in the city of Gardner" and inserting in place thereof the following: "(2) The dwelling units shall be sold or leased by the Greater Gardner Community Development Corporation to individuals who: reside in the city of Gardner; have parents or siblings who reside in the city of Gardner; or work in the city of Gardner; and (3) As a condition of the conveyance, the city of Gardner shall transfer a parcel of land under the care, custody, management and control of the board of selectmen and dedicated for general municipal purposes to the conservation commission or park commission and such parcel shall be dedicated for conservation or park purposes. If no suitable parcel can be transferred to the conservation commission, the city shall acquire a parcel of land or a conservation restriction upon private or public land as defined at section 31 of chapter 184 of the General Laws. Such land shall be dedicated or restricted to conservation or park purposes and under the jurisdiction of the conservation commission or park commission. The parcel dedicated pursuant to this section, shall be of equal or greater size and value for conservation or park purposes when compared to the parcel described in section 1. If the land conveyed ceases to be used for the purposes described in section 1, the land shall revert to the city of Gardner for public park purposes.".

Under suspension of Rule 35, on motion of Mr. Rice of Gardner, 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.

Denise Cailler,—sick leave bank.

A petition of Steven C. Panagiotakos for legislation to establish a sick leave bank for Denise Cailler an employee of the Trial Court, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2241) was referred, in concurrence, to the committee on the Judiciary.

Report of a Committee.

Lyme disease research institute.

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 a petition of Jennifer E. Benson, Ellen Story and others relative to establishing a public health Lyme disease research institute at the University of Massachusetts Medical School. Under suspension of the rules, on motion of Mr. Kafka of Stoughton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Health. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills

Bills enacted.

Increasing the pension benefits payable to Aquinnah Sarah Burgess by the Attleboro Retirement System (see House Bill printed as Senate, No. 2179);

Relative to personnel by-laws in the town of Stoneham (see House, No. 633);

Bills enacted.

Relative to the Nantucket historic district commission (see House No. 1121);

Relative to town meetings in the town of Framingham (see House No. 1896);

Authorizing the city of Newton Retirement Board to grant a superannuation retirement allowance to Frank Albano (see House, No. 4117); and

Authorizing the town of Winchester to grant an additional license for the sale of wines and malt beverages to be drunk on the premises (see House, No. 4345);

(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.

Reconsiderations.

Education reform and achievement gap.

Mr. Murphy of Burlington asked that the vote be reconsidered by which the House, at the previous sitting, passed to be engrossed, in concurrence, the Senate Bill relative to education reform (Senate, No. 2216, amended); and the motion to reconsider was entertained and it prevailed.

Pending the recurring question on passing the bill, as amended, to be engrossed, the same member moved that the vote be reconsidered by which the House adopted amendments (offered by Mr. Tobin of Quincy and Walsh of Boston) to amend the bill in section 1, in lines 137 to 142, inclusive, by striking out the paragraph in those lines and inserting in place thereof the following paragraph:

"If the superintendent does not accept an application submitted pursuant to clause (vii), or if an employee does not submit such an application, the principal, administrator, teacher, or staff member shall retain such rights as may be provided under law or any applicable collective bargaining agreement, except that they shall not have the right to displace any teacher with professional teacher status in any other school. A teacher with professional teacher status in a school declared underperforming may be dismissed for just cause. A teacher with professional teacher status in a chronically underperforming school may be dismissed for good cause."; and, in lines 361 to 366, inclusive, by striking out the paragraph in those lines and inserting in place thereof the following paragraph:

"If the receiver does not accept an application submitted pursuant to clause (vii), or if an employee does not submit such an application, the principal, administrator, teacher, or staff member shall retain such rights as may be provided under law or any applicable collective bargaining agreement. A teacher with professional teacher status in a district declared underperforming may be dismissed for just cause. A teacher in a chronically underperforming school district may be dismissed for good cause."; and the motion to reconsider prevailed. On the recurring question the amendment was rejected.

Mr. Murphy of Burlington then moved that the vote be reconsidered by which the House adopted amendments (offered by Ms. St. Fleur of Boston and other members of the House) to amend the bill in section 2, in line 467, by inserting after the word "agent" the following:

"; provided, however, that as many as 9 Horace Mann charter schools may be approved in the city of Boston by the local school committee and the superintendent"; and, in line 826, by inserting after the word "located" the following: "; provided, however, that the 9 Horace Mann charter schools established in the city of Boston under subsection (c) may be renewed with the approval of the local school committee and superintendent"; and the motion to reconsider prevailed. On the recurring question the amendment was rejected.

The bill (Senate, No. 2216, amended) then was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendments (striking out all after the enacting clause and inserting in place thereof a new text and striking out the title and inserting in place thereof the following title: "An Act relative to the achievement gap.") [for House text, printed as amended, see House document numbered 4423].

Paper from the Senate.

Education reform and achievement gap.

The Senate Bill relative to education reform (Senate, No. 2216, amended), came from the Senate with the endorsement that said branch had non-concurred with the House in its amendments (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4423; and striking out the title and inserting in place thereof the following title: "An Act relative to the achievement gap.".

Committee of conference.

The bill bore the further endorsement that the Senate had appointed a committee of conference on the disagreeing votes of the two branches; and that Senators Panagiotakos, O'Leary and Tarr had been appointed the committee on the part of the Senate.

Id.

On motions of Mr. Murphy of Burlington, the House insisted on its amendments; and concurred with the Senate in the appointment of a committee of conference. Representatives Mariano of Quincy, Walz of Boston and Hill of Ipswich then were appointed the committee on the part of the House. Sent to the Senate to be noted.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

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

At twenty minutes after twelve o'clock noon, on motion of Mr. Hill of Ipswich (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.

Monday, January 11, 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.

Gracious God, amid the stress of daily living and the demands which are made upon us and our time as elected officials, we pause for a moment of personal reflection and prayer. We seek Your blessings and guidance as we organize our schedule and agenda for the day so that our opportunities are recognized and our obligations fulfilled. We pray for reasonableness in dealing with constituents and colleagues, patience in understanding the viewpoints of others and the spirit of goodwill in dealing with the common concerns of our society. In resolving current issues may we have the wisdom to select the legislative options which are right, fair and ethical. Let our disagreements, when they occur, be our principles, goals and human and spiritual values. May our hearts and minds be filled with confidence, enthusiasm and a positive spirit.

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.

Resolutions.

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

VFW Ladies Auxiliary.

Resolutions (filed by Speaker DeLeo of Winthrop) honoring the Ladies Auxiliary to the Veterans of Foreign Wars;

Robert Kacir.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Robert Kacir on earning the Eagle Scout Award; and

John Sobierajski.

Resolutions (filed by Mr. Fernandes of Milford) congratulating John Sobierajski on earning the Eagle Scout Award;

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. Hecht of Watertown, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Additional Petition.

Vaillancourt Folk Art.

The following petition deposited with the Clerk previous to five o'clock in the afternoon on Friday, January 16, 2009 was presented and it was referred, under Rule 24 and Joint Rule 13, as follows:

By Ms. Callahan of Sutton, petition (accompanied by bill, House, No. 4426) of Jennifer M. Callahan, Richard T. Moore and Paul K. Frost for legislation to designate Vaillancourt Folk Art as the official Christmas collectible maker of the Commonwealth. To the committee on State Administration and Regulatory Oversight.

Sent to the Senate for concurrence.

Petitions.

By Representative Rogers of Norwood and Senator Walsh, a joint petition (accompanied by bill, House, No. 4383) of John H. Rogers, Marian Walsh and others (by vote of the town) relative to the leasing of Post VFW 2452. To the committee on Municipalities and Regional Government.

Norwood,— VFW Post 2452.

Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Bradley of Hingham, a petition (subject to Joint Rule 12) of Garrett J. Bradley that the Department of Revenue be directed to reimburse cities and towns the proceeds collected from the excise tax imposed on satellite subscriptions.

Satellite subscriptions,— excise tax.

By Representative Cantwell of Marshfield and Senator Hedlund, a joint petition (subject to Joint Rule 12) of James M. Cantwell and Robert L. Hedlund for legislation to increase the penalty imposed on operators of motor vehicles involved in police chases.

Police chases.

By Messrs. Donato of Medford and Fallon of Malden, a petition (subject to Joint Rule 12) of Paul J. Donato and Christopher G. Fallon that the Trial Court of the Commonwealth be authorized to establish a sick leave bank for Stephanie Savini, an employee of the Superior Court located in the city of Woburn.

Stephanie Savini,— sick leave.

By Representative Evangelidis of Holden and Senator Flanagan, a joint petition (subject to Joint Rule 12) of Lewis G. Evangelidis and Jennifer L. Flanagan for legislation to designate a certain bridge on Route 2 over Bacon Street in the town of Westminster as the Ryan Patrick Jones Bridge.

Westminster,— Ryan Patrick Jones.

By Mr. Fresolo of Worcester, a petition (subject to Joint Rule 12) of John P. Fresolo for legislation to include certain co-generation steam firemen and engineers in Group 4 of the public employees retirement law.

Co-generation steam firemen.

By Mr. Fresolo of Worcester, a petition (subject to Joint Rule 12) of John P. Fresolo that licensees of livery vehicles be required to conform to certain requirements regulating common carriers of passengers in the Commonwealth.

Common carriers.

By Mr. Galvin of Canton (by request), a petition (subject to Joint Rule 12) of James Puccio relative to the time allotted for safety inspections of motorcycles by owners of such vehicles.

Motorcycle inspections.

By Mr. Guyer of Dalton, a petition (subject to Joint Rule 12) of Denis E. Guyer, John P. Fresolo and others for legislation to regulate the development of land acquired for natural resource and conservation purposes.

Land development.

By Ms. Khan of Newton, a petition (subject to Joint Rule 12) of Kay Khan that the Department of Correction be directed to establish

Inmate re-entry program.

a re-entry program for inmates with mental illness released from facilities of said department.

Uninsured,— medical care, etc.

By Mr. Madden of Nantucket (by request), a petition (subject to Joint Rule 12) of John B. Conners for legislation to regulate the costs for medical care and prescriptions for uninsured residents of the Commonwealth.

Jean Ann Simonelli,— sick leave.

By Mr. Michlewitz of Boston, a petition (subject to Joint Rule 12) of Aaron Michlewitz for legislation to establish a sick leave bank for Jean Ann Simonelli, an employee of the Department of Revenue.

Runners, etc.,— reflectors.

By Mr. Peterson of Grafton, a petition (subject to Joint Rule 12) of George N. Peterson, Jr., for legislation to require the wearing of reflective material or use of flashlights by persons using roadways for physical training activities.

R.M.V.,— third party agreements.

By Representative Sannicandro of Ashland and Senator Berry, a joint petition (subject to Joint Rule 12) of Tom Sannicandro, Frederick E. Berry and others that the Registrar be authorized to enter into agreements with third parties to perform certain functions of the Registry of Motor Vehicles.

Petroleum products,— sale.

By Mr. Speliotis of Danvers, a petition (subject to Joint Rule 12) of Theodore C. Speliotis for legislation to further regulate the sale at terminals of dyed distillate petroleum products to oil dealers and commercial users of such products.

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

Papers from the Senate.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Valerie Desplaines,— sick leave.

A petition (accompanied by bill, Senate, No. 2242) of Stephen M. Brewer for legislation to establish a sick leave bank for Valerie Desplaines, an employee of the Department of Developmental Services.

Lila Kate Smith,— sick leave bank.

A petition (accompanied by bill, Senate, No. 2243) of Stephen M. Brewer for legislation to establish a sick leave bank for Lila Kate Smith, an employee of the Department of Developmental Services.

Severally to the committee on Public Service.

Reports of Committees.

Gasoline dealers.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the House Bill relative to gasoline dealers (House, No. 4187),— and recommending that the same be referred to the committee on Ways and Means.

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

Electronics,— recycling.

By Mr. Binienda of Worcester, for the committees of the two branches, acting concurrently, asking to be discharged from further consideration of the Bill to require producer responsibility for collection reuse and recycling of electronic products (House, No. 4374),— 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. Sent to the Senate for concurrence, insomuch as relates to the discharge of the committees.

Engrossed Bill.

The engrossed Bill authorizing the town of Southbridge to established a certain fund (see House, No. 1131) (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.

Orders of the Day.

The Senate Bill relative to vocational education (Senate, No. 253, amended), 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. Sent to the Senate for concurrence in the amendment previously adopted by the House. Third reading bill.

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 twelve minutes after eleven o'clock A.M., on motion of Mrs. Poirier of North Attleborough (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Thursday at eleven o'clock A.M.

Thursday, January 14, 2010.

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

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

Prayer.

God, Our Creator, the Ultimate Source of Goodness and Truth, we take this moment to turn our attention and thoughts to You and to spiritual realities. We believe that Your gift of knowledge enables us to understand issues more clearly and Your gift of wisdom to make right and ethical decisions. On Monday, a national holiday, we observe and celebrate Dr. Martin Luther King, Jr. Day. As a nation, we take the time to reflect on the courage, determination and the accomplishments of Dr. King, a clergyman, religious leader and a champion of the civil, human and religious rights of each individual in our society. As a religious leader, he believed that we are created by God and in His image. His dedication to just and moral causes continues to have a profound beneficial and lasting effect on our society and our communities.

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

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.

Silent Prayers.

Ruth Linsky.

The Speaker being in the Chair, the members, guests and employees then stood in a moment of silent tribute to the memory of Ruth Linsky. Mrs. Linsky, the mother of Representative Linsky of Natick, passed away earlier today.

Haiti,—earthquake victims.

The members, guests and employees then stood in a moment of silent tribute to the memory of the thousands of victims of Tuesday's earthquake in Haiti.

Statement Concerning Representative Coakley-Rivera of Springfield.

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

Statement concerning Ms. Coakley-Rivera of Springfield.

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

Statement Concerning Representative Evangelidis of Holden.

A statement of Mr. Jones of North Reading concerning Mr. Evangelidis of Holden was spread upon the records of the House, as follows:

Statement concerning Mr. Evangelidis of Holden.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Evangelidis of Holden, is unable to be present in the House Chamber for today's sitting due to a previously scheduled commitment. His missing of roll calls today will be due entirely to the reason stated.

Statement Concerning Representative Humason of Westfield.

A statement of Mr. Jones of North Reading concerning Mr. Evangelidis of Holden was spread upon the records of the House, as follows:

Statement concerning Mr. Humason of Westfield.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Humason of Westfield, is unable to be present in the House Chamber for today's sitting due to a previously scheduled out-of-town commitment. His missing of roll calls today will be due entirely to the reason stated.

Statement Concerning Representative Kulik of Worthington.

A statement of Mr. Mariano of Quincy concerning Mr. Kulik of Worthington was spread upon the records of the House, as follows:

Statement concerning Mr. Kulik of Worthington.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Kulik of Worthington, is unable to be present in the House Chamber for today's sitting because he is attending a legislative conference outside of the Commonwealth sponsored by SARL (State Agricultural and Rural Leaders). His missing of roll calls today will be due entirely to the reason stated.

Statement Concerning Representative Perry of Sandwich.

A statement of Mr. Jones of North Reading concerning Mr. Perry of Sandwich was spread upon the records of the House, as follows:

Statement concerning Mr. Perry of Sandwich.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Perry of Sandwich, is unable to be present in the House Chamber for today's sitting due to a previously scheduled out-of-town commitment. His missing of roll calls today will be due entirely to the reason stated.

Statement Concerning Representative Linsky of Natick.

A statement of Mr. Mariano of Quincy concerning Mr. Linsky of Natick was spread upon the records of the House, as follows:

Statement concerning Mr. Linsky of Natick.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Linsky of Natick, is unable to be present in the House Chamber for today's sitting due to the death of his mother. His missing of roll calls today will be due entirely to the reason stated.

Statement Concerning Representative Scibak of South Hadley.

A statement of Mr. Mariano of Quincy concerning Mr. Scibak of South Hadley was spread upon the records of the House, as follows:

Statement concerning Mr. Scibak of South Hadley.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Scibak of South Hadley, is unable to be present in the House Chamber for today's sitting due to a long-standing family commitment. His missing of roll calls today will be due entirely to the reason stated.

Statement Concerning Representative Wallace of Boston.

A statement of Mr. Mariano of Quincy concerning Mr. Wallace of Boston was spread upon the records of the House, as follows:

Statement concerning Mr. Wallace of Boston.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Wallace of Boston, is unable to be present in the House Chamber for today's sitting due to illness. His missing of roll calls today will be due entirely to the reason stated.

Annual Report.

Retirees,—cost-of-living adjustment.

The annual report of the Public Employee Retirement Administration Commission (under sections 21, 102 and 103 of Chapter 32 of the General Laws) relative to the percentum change in the average cost-of-living as shown by the United States consumer price index for the year 2009 compared with such index for the year 2008 (House, No. 4427), was referred to the committee on Public Service. Sent to the Senate for concurrence.

Resolutions.

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

Tyler Conrad.

Resolutions (filed by Mrs. Haddad of Somerset) congratulating Tyler Conrad on receiving the Eagle Award of the Boy Scouts of America;

Justin Pavao.

Resolutions (filed by Mrs. Haddad of Somerset) congratulating Justin Pavao on receiving the Eagle Award of the Boy Scouts of America;

Matthew St. George.

Resolutions (filed by Mrs. Haddad of Somerset) congratulating Matthew St. George on receiving the Eagle Award of the Boy Scouts of America;

Maria O'Toole.

Resolutions (filed by Mr. Keenan of Salem) congratulating Maria O'Toole on the occasion of her thirtieth year of employment with the Commonwealth;

Jay Berner.

Resolutions (filed by Mr. Naughton of Clinton) recognizing Colonel Jay Berner's dedication as Commander of the Third Legal Support Organization;

Alan J. MacKinnon.

Resolutions (filed by Representatives Rush of Boston, Provost of Somerville and Sánchez of Boston) honoring Alan J. MacKinnon for his inspirational act of charity in support of the family of Surendra Dangol;

A. Thomas DeMaio.

Resolutions (filed by Mr. Smizik of Brookline) congratulating A. Thomas DeMaio on the occasion of his retirement; and

Janet Garon.

Resolutions (filed by Mr. Smola of Palmer) honoring Janet Garon on the occasion of her retirement;

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. Michlewitz 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.

Petitions.

Department of Correction,— recreation officers.

Mr. Rice of Gardner presented a petition (subject to Joint Rule 12) of Robert L. Rice, Jr., Steven M. Walsh and others relative to recreation officers within the Department of Correction; and the same was referred, under rule 24, to the committee on the Judiciary.

Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. McMurtry of Dedham, 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.

Petitions severally were presented and referred as follows:

Carbon emissions.

By Mr. Brownsberger of Belmont, a petition (subject to Joint Rule 12) of William N. Brownsberger, Kay Khan, and others for legislation to establish a repower emergency task force for the purpose of implementing changes for the reduction of carbon emissions in the Commonwealth.

Kevin Shea,— veteran status.

By Mr. Donato of Medford, a petition (subject to Joint Rule 12) of Paul J. Donato for legislation to grant veteran status to Kevin P. Shea of the city of Medford for certain service in the armed forces.

Murder, — insanity.

By Mr. Evangelidis of Holden, a petition (subject to Joint Rule 12) of Lewis Evangelidis, Jennifer L. Flanagan and others for legislation to further regulate the sentencing of persons found "guilty except insane" of murder in the courts of the Commonwealth.

Gail Sarno, — sick leave.

Mr. Falzone of Saugus, a petition (subject to Joint Rule 12) of Mark V. Falzone for legislation to authorize the Department of Revenue to grant certain sick leave credit to Gail Sarno as an employee of the Department of the Attorney-General.

Robert W. Otto, — creditable service.

Mr. Flynn of Bridgewater and Senator Pacheco, a joint petition (subject to Joint Rule 12) of David L. Flynn and Marc R. Pacheco that the Teachers' Retirement Board be directed to grant certain retirement credit to Robert W. Otto for time served in the armed forces.

Public employees,— Group 4.

By Fresolo of Worcester, a petition (subject to Joint Rule 12) of John P. Fresolo that sewerage treatment operators of the Department of Correction be placed in Group 4 of the public employees retirement law.

Embalmers, etc.

By Mr. Kane of Holyoke, a petition (subject to Joint Rule 12) of Michael F. Kane that certain persons involved in embalming or funeral directing be authorized to be employed as supervisors of cemeteries or crematories.

Industrial hemp production,—licensing.

By Mrs. Richardson of Framingham (by request), a petition (subject to Joint Rule 12) of Jim Pillsbury for legislation to require the licensing by the Department of Agriculture of persons or businesses engaged in the production of industrial hemp.

Contractors,—payroll records.

By Mr. Walsh of Boston, a petition (subject to Joint Rule 12) of Martin J. Walsh for legislation to require contractors on public works projects to submit weekly payroll records to contracting agencies.

Seat belts.

By Mr. Webster of Pembroke (by request), a petition (subject to Joint Rule 12) of Brian D. Crawford for legislation to authorize certain passengers in motor vehicles to ride without seat belts.

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

Papers from the Senate.

Correctional employees,—assaults.

A Bill to punish assault and battery by means of a bodily substance upon correctional facility employees (Senate, No. 997, amended in line 17 by striking out the figure "5" and inserting in place thereof the figures "2½") (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.

Boston,—driver texting.

A petition (accompanied by bill, Senate, No. 2246) of Anthony W. Petrucelli (with the approval of the mayor and city council) for legislation to ban texting while driving in the city of Boston, was referred, in concurrence, to the committee on Transportation.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Disabled,—foreclosures.

Petition (accompanied by bill, Senate, No. 2250) of Samantha Hemmingsen for legislation relative to long-term disability and foreclosure prevention. To the committee on the Judiciary.

Recreational vehicles,—excise taxes.

Petition (accompanied by bill, Senate, No. 2248) of Michael W. Morrissey for legislation to establish a study commission relative to payment of fair and reasonable excise taxes on recreational vessels; and

Seniors,—circuit breaker tax credit.

Petition (accompanied by bill, Senate, No. 2249) of Michael W. Morrissey and Kevin Coughlin for legislation relative to the senior circuit breaker tax credit. Severally to the committee on Revenue.

Reports of Committees.

Brockton,—dumping.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill prohibiting certain dumping in the city of Brockton (House, No. 4190) be scheduled for consideration by the House.

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

Boston,—ammunition.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4059) of Martin J. Walsh and others (with the approval of the mayor and city council) relative to the possession of armor piercing ammuni-

tion the city of Boston,— and recommending that the same be referred to the committee on the Judiciary.

Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

One thousand great places,— study.

By Mr. Keenan of Salem, for the committee on Tourism, Arts and Cultural Development, on a petition, a Resolve to further extend the time within which the special commission established to investigate, study and designate 1,000 great places in the Commonwealth shall file its final report (House, No. 4424). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Wayland,— town officials.

By Mr. Moran of Boston, for the committee on Election Laws, on a petition, a Bill relative to the date town officials assume office in the town of Wayland (House, No. 4256).

Homestead.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill relative to the estate of homestead (House, No. 1591).

Juror service.

By the same member, for the same committee, on a petition, a Bill relative to juror service (House, No. 1631).

Id.

By the same member, for the same committee, on a petition, a Bill to improve juror service (House, No. 1633)

Health providers.

By the same member, for the same committee, on a petition, a Bill relative to assault and battery on health care providers (House, No. 1696)

Tree Borden,— sick leave.

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for Tree Borden, an employee of the Norfolk district attorney's office (House, No. 4400).

Gun laws,— hearings.

By the same member, for the same committee, on House, No. 1300, a Bill making gun law violations subject to dangerousness hearing determinations (House, No. 4428).

Belmont,— benefits.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill amending Chapter 7 of the Acts of 2007 relative to the town of Belmont other post employment benefit trust fund (House, No. 4223).

Shrewsbury,— town meeting.

By the same member, for the same committee, on a petition, a Bill amending the requirements regarding the method of determination of the allocation of the number of town meeting members among precincts in the town of Shrewsbury (House, No. 4305).

Norwood,— VFW Post 2452.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Norwood to acquire the Norwood Post VFW #2452 building for the ability to lease it to veterans' organizations (House, No. 4383).

Bridgewater,— town charters.

By the same member, for the same committee, on a petition, a Bill to provide the voters of the town of Bridgewater a choice of charters for new forms of government (House, No. 4413)

Janet Ochner,— sick leave.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Janet Ochner, an employee of the Department of Developmental Services (House, No. 4402).

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

Engrossed Bill.

Bill enacted.

The engrossed Bill increasing the membership on the Williamstown Board of Library Trustees (see House, No. 1921) (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.

Recesses.

Recesses.

At a quarter after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recess until the hour of two o'clock P.M.; and at ten minutes after two o'clock the House was called to order with Mr. Donato in the Chair.

The House thereupon took a further recess, on motion of Mr. deMacedo of Plymouth, until half past two o'clock; and at that time the House was called to order with Mr. Donato in the Chair.

The House thereupon took a further recess, on motion of Mr. Peterson of Grafton, subject to the call of the Chair; and at twenty-five minutes after four o'clock the House was called to order with Mr. Petrolati of Ludlow the Chair.

Matter Discharged from the Orders of the Day.

The House Bill relative to unpaid municipal fines (House, No. 3588), 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, under suspension of Rule 47, on motion of Mr. Pedone of Worcester.

After remarks on the question on passing the bill to be engrossed, Mr. Smith of Everett moved to amend it after line 36 by inserting the following paragraph:

"Section 8A. A municipal officer charged with enforcement of this section shall make a good faith attempt to locate the violator of this provision prior to issuing a violation or fine.".

The amendment was adopted.

Bill passed to be engrossed,— yea and nay No. 279.

After remarks on the question on passing the bill, as amended, to be engrossed (the Speaker being in the Chair), the sense of the House was taken by yeas and nays at the request of Mr. Michelwitz of Boston; and on the roll call (Mr. Petrolati of Ludlow being in the Chair) 143 members voted in the affirmative and 1 in the negative.

[See Yea and Nay No. 279 in Supplement.]

Therefore the bill (House, No. 3588, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Engrossed Bill — Land Taking.

The Speaker being in the Chair,—

Boston,— lease land.

The engrossed Bill relative to the leasing of certain parcels of land in the city of Boston (see House, No. 4356, amended) (which originated in the House), which had been returned to the House by the Governor with recommendation of amendment, 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 re-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 144 members voted in the affirmative and 0 in the negative.

Bill re-enacted (land taking),—yea and nay No. 280.

[See Yea and Nay No. 280 in Supplement.]

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

The House Bill authorizing the city of Gardner to convey certain park land (see House, No. 612, 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.

Gardner,—convey 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 144 members voted in the affirmative and 0 in the negative.

Bill enacted (land taking),—yea and nay No. 281.

[See Yea and Nay No. 281 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.

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the House amendments (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4423, and striking out the title and inserting in place thereof the following title: "An Act relative to the achievement gap.") of the Senate Bill relative to education reform (Senate, No. 2216, amended), recommending passage of a Bill relative to the achievement gap (Senate, No. 2247), came from the Senate with the endorsement that it had been accepted by said branch.

Education achievement gap.

Under suspension of the rules, on motion of Mr. Mariano of Quincy, 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 the same member; and on the roll call 98 members voted in the affirmative and 47 in the negative.

Conference committee report accepted,—yea and nay No. 282.

[See Yea and Nay No. 282 in Supplement.]

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

Engrossed Bill.

The engrossed Bill relative to the achievement gap (Senate, No. 2247), 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.

Education achievement gap.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LCVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 52 to 0. Sent to the Senate for concurrence.

Bill enacted.

Subsequently (Mr. Donato of Medford being in the Chair), 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.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

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

Mr. Smith of Everett then moved that as a mark of respect to the memory of Sumner Gage Whittier, a member of the House from Everett in 1941 and 1942, a member of the State Senate from 1943 to 1952, inclusive, Lieutenant-Governor of the Commonwealth from 1953 to 1956, inclusive, and Administrator of Veterans' Affairs of the United States under President Dwight D. Eisenhower, the House adjourn; and the motion prevailed.

Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at twenty-nine minutes after six o'clock P.M., on motion of Mrs. Poirier of North Attleborough (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Tuesday at eleven o'clock A.M., in an Informal Session.

Tuesday, January 19, 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 of Goodness and Truth, at the opening of today's session we pause for a brief moment of personal reflection, prayer and meditation on spiritual matters. In and fro You we seek the intellectual and moral strength to resolve issues ethically, the courage to address our daily responsibilities correctly and to listen to the concerns of constituents patiently. We also look to You for guidance as we work together to address the current complex social, cultural and political issues on our common agenda. Help us to remain faithful to our beliefs. On this day after the Martin Luther King, Jr. holiday, may his spirit and concern for the dignity and rights of all which includes our oldest seniors and youngest children, remain with us.

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.

Resolutions.

David Troughton.

Resolutions (filed with the Clerk by Mr. Jones of North Reading) honoring David Troughton on the occasion of his retirement, were referred, under Rule 85, to the committee on Rules:

Mr. Binienda of Worcester, for said committee, reported, that the resolutions ought to be adopted. Under suspension of the Rules, 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.

Annual and Special Reports.

Annual reports

Community corrections.

Of the Office of Community Corrections (under Section 5 of Chapter 211F of the General Laws) submitting the annual report of said office encompassing the utilization of community centers' statistical report for fiscal year 2009; and

Workers' compensation.

Of the Workers' Compensation Advisory Council (under Section 17 of Chapter 23E of the General Laws) regarding the state of the workers' compensation system; and

Energy facility siting.

A report of the Executive Office of Energy and Environmental Affairs (under Section 89 of Chapter 169 of the Acts of 2008) regarding the siting of energy facilities in the Commonwealth;

Severally were placed on file.

Papers from the Senate.

Above ground storage tanks.

The Senate Bill further regulating above ground tanks used for the storage of certain funds (Senate, No. 914) on a petition, passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

The following order came from the Senate with the endorsement that it had been adopted by said branch:

Joint convention.

"*Ordered*, That a convention of the two branches be held at a quarter before seven o'clock P.M., on Thursday, January 21, 2010, for the purpose of receiving such communication as the Governor, Deval L. Patrick may be pleased to make to them relating to the concerns of the Commonwealth.".

Under suspension of the rules, on motion of Mr. Greene of Billerica, the order was considered forthwith; and it was adopted, in concurrence.

Reports of Committees.

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

Rumney Marsh Reservation.

Petition (accompanied by bill) of Kathi-Anne Reinstein for legislation to include the Saugus River Watershed Commission on the citizens advisory board on the uses of land with the Rumney Marsh Reservation. To the committee on State Administration and Regulatory Oversight.

Saugus River,— water line.

Petition (accompanied by bill) of Steven M. Walsh relative to authorizing an alternative mode of design and construction for the relocation and replacement of a water line under the Saugus River. To the committee on Telecommunications, Utilities and Energy.

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

Tree Borden,— sick leave.

Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill establishing a sick leave bank for Tree Borden, an employee of the Norfolk District Attorney's Office (House, No. 4400) 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.

Janet Ochner,— sick leave.

Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill establishing a sick leave bank for Janet Ochne, an employee of the Department of Developmental Services (House, No. 4402) be scheduled for consideration by the House.

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

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on a petition, a Bill authorizing the town of Westwood to grant three licenses for the sale of wine and malt beverages to food stores (House, No. 4089). Westwood,—liquor licenses.

By the same member, for the same committee, on a petition, a Bill providing for a ballot question in the town of Arlington authorizing the granting of 3 licenses for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4403). Arlington,—liquor licenses.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill relative to the boundaries of the Fore River designated port area (House, No. 4360, changed in section 1, in line 8, by striking out the figures "3084" and inserting in place thereof the figures "3048".). Fore River.

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

By Ms. Forry of Boston, for the committee on Community Development and Small Businesses, on House, No. 4094, a Bill relative to clear and conspicuous price disclosure (House, No. 4430). Price disclosure.

By Ms. Coakley-Rivera of Springfield, for the committee on Labor and Workforce Development, on Senate, No. 686 and House, No. 1821, a Bill relative to widow's benefits (House, No. 1821). Widow's benefits.

By the same member, for the same committee, on a petition, a Bill to provide incentives for productive workers compensation audits (House, No. 1846, changed in line 14 by inserting, after the word "shall" the words "promulgate rules and regulations establishing".). Workers' compensation,—audits.

By the same member, for the same committee, on a petition, a Bill relative to the penalty for failure to timely report injuries under the workers' compensation act (House, No. 1863). Workers' compensation,—reporting.

By the same member, for the same committee, on a petition, a Bill providing for burial benefits under the workers' compensation act (House, No. 1865). Workers' compensation,—burial benefits.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Emergency Measures.

The engrossed Bill establishing a sick leave bank for Anne Smith, an employee of the Department of Revenue (see House, No. 4353), 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. Anne Smith,—sick leave.

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. Bill enacted.

Patricia Cahill,— sick leave.

The engrossed Bill establishing a sick leave bank for Patricia Cahill, an employee of the Department of Transitional Assistance (see House, No. 4363), 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.

Bill enacted.

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

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

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

At half past eleven o'clock A.M., on motion of Mrs. Poirier of North Attleborough (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.

Thursday, January 21, 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.

Eternal God in Whom we place our trust and hope, we pause for this moment of prayer to focus our thoughts on You, Our Creator, and to reflect briefly on our obligations and priorities for the day. We believe that You are a constant source of guidance, goodness, moral courage and intellectual integrity. Inspire us to continue our common effort to build a society which is peaceful, safe, free of substance abuse and offers employment and educational opportunities to all. Grant us the wisdom to make decisions which promote a public policy which ensures a respect for the dignity of each individual in our society. Inspire us to remain faithful to our ideals, goals and our personal human and religious values. Teach us, as elected officials, to address all legislative proposals in a thoughtful manner so that both the present and the future generations of the Commonwealth will be well-served.

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.

Resolutions.

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

Atria Marland Place.

Resolutions (filed by Representatives Finegold of Andover and L'Italien of Andover) commending Atria Marland Place on its celebration of Resident Appreciation Month;

Andrew J. Jagelski.

Resolutions (filed by Mr. Rush of Boston) congratulating Andrew J. Jagelski on earning the Eagle Award of the Boy Scouts of America;

Michael J. Murphy.

Resolutions (filed by Mr. Rush of Boston) congratulating Michael J. Murphy upon achieving the rank of Eagle Scout; and

Nicholas D. Young.

Resolutions (filed by Mr. Scibak of South Hadley) congratulating Nicholas D. Young on being named the 2010 Massachusetts Superintendent of the Year;

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. Golden of Lowell, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petition.

Ralph Marante, Jr.,—sick leave.

Mr. McMurtry of Dedham presented a petition (subject to Joint Rule 12) of Paul McMurtry for legislation to establish a sick leave bank for Ralph Marante, Jr., an employee of the Middlesex County Sheriff's Office; and the same was referred, under Rule 24, to the committee on Rules.

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

Papers from the Senate.

Harvard,—wastewater management.

The House Bill relative to a wastewater management district in the town of Harvard (House, No. 4407) 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 2244.

Under suspension of Rule 35, on motion of Ms. Benson of Lunenburg, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Catherine Ann Ouellette,—sick leave.

A Bill relative to establish a sick leave bank for Catherine Ann Ouellette, an employee of the Trial Court (Senate, No. 2228) (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.

Reports of Committees.

Ryan Patrick Jones Bridge.

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 a joint petition of Lewis G. Evangelidis, Jennifer L. Flanagan and others for legislation to designate a certain bridge on Route 2 over Bacon Street in the town of Westminster as the Ryan Patrick Jones Bridge. Under suspension of the rules, on motion of Mr. Kafka of Stoughton, 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.

1,000 great places,—extension.

By Mr. Binienda of Worcester, for the committees on Rules of the two branches, acting concurrently, that the Resolve to further extend the time within which the special commission established to investigate, study and designate 1,000 great places in the Commonwealth shall file its final report (House, No. 4424) ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Franklin,—utilities.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill authorizing the town of

Franklin to appropriate funds and incur debt for the purpose of removing overhead utilities and replacing the same with underground facilities (House, No. 4251). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Orders of the Day.

Third reading bill.

The Senate Bill authorizing the town of Charlton to acquire dams within the town, to make improvements to dams and to authorize the assessment of betterments to pay costs associated therewith (Senate, No. 2108, amended) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Third reading bills.

House Bills

Prohibiting certain dumping in the city of Brockton (House, No. 4190); and

Establishing a sick leave bank for Janet Ochner, an employee of the Department of Developmental Services (House, No. 4402);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn were read a third time; and passed to be engrossed. Severally sent to the Senate for concurrence.

Third reading bill amended.

The House Bill establishing a sick leave bank for Tree Borden, an employee of the Norfolk District Attorney's Office (House, No. 4400) was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be amended by adding 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 office.". The report was accepted.

The amendment then was adopted; and the bill (House, No. 4400, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

Recess.

At thirteen minutes after eleven o'clock A.M., on motion of Mrs. Poirier of North Attleborough (Mr. Donato of Medford being in the Chair), the House recessed until a quarter before seven o'clock P.M.; and at that time the House was called to order with the Speaker in the Chair.

Joint Session of the two branches.

Pursuant to assignment, at four minutes before seven o'clock, the two branches met in

JOINT SESSION

in the Chamber of the House of Representatives, for the purpose of receiving such communication as His Excellency Deval L. Patrick, Governor of the Commonwealth, may be pleased to make relative to the concerns of the Commonwealth; and were called to order by the Honorable Therese Murray, President of the Senate.

Order Adopted.

On motion of Mr. Berry,—

Notification of Lieutenant-Governor.

Ordered, That a committee be appointed to consist of members of the Senate and House of Representatives to wait upon His Honor the Lieutenant-Governor, the Constitutional officers, members of the Executive Council and other distinguished guests of the Governor and inform them that the two branches are now in Convention and request the honor of their presence.

Senators Menard, Flanagan, Brewer, Downing, Panagiotakos and Hedlund were appointed on the part of the Senate; and Representatives Pignatelli of Lenox, Forry of Boston, Arciero of Westford, Callahan of Sutton, Peterson of Grafton and Hill of Ipswich, were appointed on the part of the House.

Subsequently, Ms. Menard, for the committee, reported that His Honor, Timothy P. Murray, the Lieutenant Governor, the Constitutional officers, the Executive Council and distinguished guests would immediately attend upon the convention.

Shortly thereafter, His Honor the Lieutenant-Governor, Timothy P. Murray, the Constitutional officers, members of the Executive Council and distinguished guests entered the Chamber under the escort of the Sergeant-at-Arms.

Prayer.

Invocation.

The President then introduced Pastor Pierre-Eddy Leguerre, from the Philadelphie: Haitian-American Seventh-Day Adventist Church in Malden, who delivered the following Invocation:

Father in heaven, as the deer panteth after the water brooks, so panteth our souls after Thee. Our lives are thirsty for you Lord. Our lives are restless and they will not find rest until they find it in you! Tonight we stand together as a state within the great United States of America requesting your presence at this august assembly where our Governor Deval Patrick will soon give the State of the State Address.

In your loving kindness bless him while he tackles the affairs of this Commonwealth. Fill him with wisdom and compassion in the elaboration of plans and programs addressing the needs and wishes of his constituents. Bless his wife and two daughters. Lead him in the pathway of righteousness for your name sake. Bless all your public servants — our Senators and Representatives — who have dedicated their lives for the betterment and the welfare of the least fortunate among us and for the promotion of education, health and success of their fellow citizens. Bless them as they serve others and remind them constantly that their job is neither profane nor secular. Remind them that the halls of this great edifice, the ground of this magnificent structure are as sacred as the naves and the altars of our Churches, our Cathedrals, our Temples and our Mosques. While they ponder on the future and destiny of other men and women, bring to their memory the solemn reality that their motions and their decisions do impact your children, your creation. Fill their hearts with humility and never allow the viper of arrogance to inject its poisonous venom in their debates, their laws and their amendments. Bless our law enforcement agencies our firefighters and our National Guards whose lives are always on the line for our protection.

May the high ideals upon which our country was founded be the benchmark by which the Legislature measures its successes and assesses its failures.

Heavenly Father while we stand here on this winter night we are also reminded of the plight of the people of Haiti. We are reminded of their nightmare and their suffering and we thank you for the role that American in general and the Commonwealth of Massachusetts through our Governor is playing in alleviating the pain and the misery of the earthquake victims. Have mercy on Haiti O'Lord.

And now, oh Lord, please honor us with Your Presence as we listen to the chief Executive of the State. Help us to follow not only with our ears but also with our hearts; and may his report energize us to move forward in faith and in unity with a sense of accountability and justice for all. Once more bless our state and its elected servants and may your will be done in this place today, tomorrow and always because we pray in the matchless name of our Lord and Savior Jesus-Christ. Amen.

Order Adopted.

On motion of Mr. Berry,—

Ordered, That a committee be appointed to consist of members of the Senate and the House of Representatives to wait upon His Excellency the Governor and inform him that the two branches are now in Convention for the purpose of receiving such communication as he may be pleased to make to them, relating to the concerns of the Commonwealth. Notification of Governor.

Senators Rosenberg, Chandler, Baddour, Jehlen, Petruccelli and Hedlund were appointed on the part of the Senate; and Representatives Koutoujian of Waltham, Hogan of Stow, Hecht of Watertown, Atkins of Concord, Jones of North Reading and Poirier of North Attleboro, were appointed on the part of the House.

Subsequently, Mr. Rosenberg, for the committee, reported that His Excellency the Governor, Deval L. Patrick, would immediately attend upon the convention.

Pledge of Allegiance.

The Lieutenant-Governor then introduced U.S. Army Sergeant Sharee Holmes of Dorchester, U.S. Army Reservist Ichelle Herbu of Marlborough, Retired U.S. Navy Commander Mary Beth O'Sullivan of Brockton and U.S. Coast Guard Member Panayiota Bertzikis of Somerville, who led the Convention in the pledge of allegiance to the flag. Pledge of allegiance.

The Lieutenant-Governor then introduced Kasey Fahy of the Boston Children's Chorus who sang *The National Anthem*. National Anthem.

Shortly thereafter, His Excellency the Governor, Deval L. Patrick entered the Chamber under the escort of the Sergeant-at-Arms.

The President then introduced His Excellency the Governor, Deval Patrick, who thereupon addressed the Convention relative to the concerns of the Commonwealth (Senate, No. 2). State of the Commonwealth address.

Benediction.

Benediction.

The President in the Chair then introduced Reverend Gregory Groover of Charles Street AME Church in Dorchester, who gave the following Benediction:

O Gracious God of all that is good and great, how blessed we've been to have gathered once again in this solemn chamber. God, You have both honored and yet humbled us by making known, through our Governor, the extraordinary challenges that face this Commonwealth. But You have given us Your hope in also knowing that in Your name, through Your power and for Your sake, we can meet and overcome the challenges that lie ahead.

How thankful we are for Your servant and our Governor, Deval Patrick, in whom rests Your call to lead us in times like these. We pray that You will both prosper and protect him, encourage his walk and entrust him Your will, to always govern and guide with courage and compassion. We look to You, O God, to touch the heart of every state officer, state representative and state senator and every local elected official to co-labor with our Governor in leading us through the difficult days ahead.

And it is unto You and You alone, the God of our Governor, the Lord of this legislature, and the Creator-unceasing of this Commonwealth's citizenry that we leave this place both renewed and ready to fulfill Your work. And it's in that name, Your name, the only name that reigns above us all that we all declare together, Amen.

His Excellency the Governor, Deval L. Patrick, the Lieutenant Governor, the Constitutional officers and the Executive Council then withdrew from the Chamber under the escort of the Sergeant-at-Arms.

At nine minutes past eight o'clock P.M., on motion of Mr. Berry, the Convention was dissolved.

Called to order.

At twenty-four minutes after eight o'clock P.M., the House was called to order with Mr. Kafka of Stoughton in the Chair.

Reports of Committees.

Lowell Civic Stadium Commission.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill modifying the Lowell Civic Stadium Commission (Senate, No. 2236) ought to pass with amendments by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4435; 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 authorize forthwith the transfer of certain contractual rights and obligations of the Lowell arena and civic stadium commission relative to the Tsongas Arena to the University of Massachusetts at Lowell, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience or health or safety or peace."; and by striking out the title and inserting in place thereof the following title: "An Act relative to the Lowell Civic Stadium Commission.".

Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

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. Mariano of Quincy, the bill was read a second time forthwith.

The amendments recommended by the committee on Ways and Means then were adopted; and the bill (Senate, No. 2236, amended) was ordered to a third reading.

Under suspension of the rules, on motion of Mr. Golden of Lowell, 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 in the amendments.

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 four minutes before nine o'clock P.M., on motion of Mr. Galvin of Canton (Mr. Kafka of Stoughton being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.

Monday, January 25, 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 of Wisdom and Forgiveness, Source of Goodness and Truth, in prayer we turn our attention and thoughts to You, Our Creator. We believe that we can depend upon you for guidance as we address and resolve today's legislative issues and public policy matters. Grant us the patience to take the time to listen carefully to the insight and concerns of both colleagues and constituents in our common search for a safe, peaceful and ethical society. May we also be aware of the consequences of our personal choices and decisions. In this era of violence against the innocent in many parts of the world, may we, as a society, continue to respect the personal dignity and rights of all individuals. Let the people of Haiti in their time of devastation and sadness remain in our prayers and thoughts.

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

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.

Silent Prayer.

Sgt. Joseph M. O'Hare.

During the session, at the request of Representative Donelan of Orange, the members, guests and employees stood in a moment of silence in respect to the memory of Sgt. Joseph M. O'Hare of the Massachusetts State Police. Sgt. O'Hare was a native of Greenfield, Massachusetts. He began active duty in the Massachusetts State Police on February 28, 1975. His 35 years in the state police were spent in B Troop serving Pittsfield, Shelburne and Springfield. Among the many family members Sgt. O'Hare leaves behind are his loving wife Karen Fritz O'Hare and his mother Lucy O'Hare.

Message from the Governor.

Municipal pensions.

A message from His Excellency the Governor recommending legislation relative to providing municipal pension schedule relief (House, No. 4439) was filed in the office of the Clerk on Friday, January 22.

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

Resolutions.

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

Resolutions (filed by Mr. DiNatale of Fitchburg and other members of the House) congratulating Elaine M. Hill on the occasion of her retirement; and

Elaine M. Hill.

Resolutions (filed by Messrs. McCarthy of East Bridgewater and Flynn of Bridgewater) congratulating former House Clerk Wallace C. Mills on the occasion of his ninetieth birthday;

Wallace C. Mills.

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. Koutoujian of Waltham, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petition.

Representative Rosa of Leominster and Senator Flanagan presented a joint petition (subject to Joint Rule 12) of Dennis A. Rosa, Jennifer L. Flanagan and others relative to real estate tax exemptions of certain veterans; and the same was referred, under Rule 24, to the committee on Rules.

Veterans,— real estate taxes.

Paper from the Senate.

A petition of Thomas P. Kennedy and Michael D. Brady for legislation to establish a sick leave bank for Gloria Oluboje, an employee of the Massachusetts Department of Transitional Assistance, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

Gloria Oluboje,— sick leave.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2254) was referred, in concurrence, to the committee on Public Service.

Reports of Committees.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill establishing a sick leave bank for Catherine Ann Ouellette, an employee of the Trial Court (Senate, No. 2228) be scheduled for consideration by the House.

Catherine Ann Ouellette,— sick leave.

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

Subsequently, under suspension of the rules, on motion of Mrs. Haddad of Somerset, 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.

By Mr. Wagner of Chicopee, for the committee on Transportation, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4120) of Angelo M. Scaccia and others designating a certain intersection on Turtle Pond Parkway in the Hyde Park district of the city of Boston as Paul P. Loring Square,— and recommending that the same be referred to the committee on Environment, Natural Resources and Agriculture. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Hyde Park,— Loring Square.

School nutrition.

By Mr. Sánchez of Boston, for the committee on Public Health, on Senate, No. 861 and House, Nos. 2063, 2075 and 2092, a Bill relative to school nutrition (House, No. 4438).

Identification cards.

By Mr. Wagner of Chicopee, for the committee on Transportation, on a petition, a Bill relative to minimum age requirements for obtaining identification cards (House, No. 3216).

Motor vehicle plate.

By the same member, for the same committee, on a petition, a Bill relative to designating a certain motor vehicle plate assignment (House, No. 3253).

Wheelchairs.

By the same member, for the same committee, on a petition, a Bill relative to the transportation of individuals seated in wheelchairs (House, No. 3785).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Norwood,— retired police.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill relative to authorizing the appointment of retired police officers as special police officers in the town of Norwood (House, No. 1917).

Milford,— tourist signs.

By Mr. Wagner of Chicopee, for the committee on Transportation, on a petition, a Bill authorizing Southwick's Zoo to install certain sign (House, No. 3213).

Telephone vehicles.

By the same member, for the same committee, on a petition, a Bill relative to overall vehicle length (House, No. 3790).

Fall River,— Gagne Jr. bridge.

By the same member, for the same committee, on a petition, a Bill designating a certain bridge in the city of Fall River as the Louis Phillip Gagne Jr. Bridge (House, No. 4274).

Mansfield,— Pazsit bridge.

By the same member, for the same committee, on a petition, a Bill designating a certain bridge in the town of Mansfield in honor of Edward Joseph Pazsit (House, No. 4338, changed in section 1, in line 5, by striking out the word "Pazsit" and inserting in place thereof the following: "S/Sgt Edward J. Pazsit USAAF Memorial".).

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

Orders of the Day.

Berkshire Community College and Pittsfield Y.M.C.A.,— land.

The Senate Bill authorizing Berkshire Community College to lease certain land to the Pittsfield Young Men's Christian Association (Senate, No. 2114, amended), 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, in concurrence, Mr. Pedone of Worcester moved to amend the text (inserted by amendment by the House) in section 1, in line 8, by inserting after the word "education" the words "and Berkshire Community College", in lines 12 to 15, inclusive, by striking out the sentence contained in those lines; and by striking out section 5 and inserting in place thereof the following section:

"SECTION 5. The Pittsfield Young Men's Christian Association shall be responsible for all costs deemed necessary or appropriate by

the commissioner of capital asset management and maintenance for the transaction including, without limitation, the costs for legal work, survey, title, appraisal and the preparation of plans and specifications. The Pittsfield Young Men's Christian Association shall also be responsible for any costs, liabilities or expenses of any kind for the development, improvement, maintenance or operation of the facilities subject to the lease or other agreement as may be determined by the commissioner of capital asset management and maintenance, in consultation with Berkshire Community College.

The design of and plans and specifications for any buildings or other improvements to be constructed by the Pittsfield Young Men's Christian Association shall be subject to the review and approval of the division of capital asset management and maintenance and Berkshire Community College." .

The amendments were adopted; and the bill (Senate, No. 2114, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment (see House document numbered 4352, amended).

Recess.

Recess.

At twenty-five minutes after eleven o'clock A.M., on motion of Mr. Sullivan of Fall River (Mr. Donato of Medford being in the Chair), the House recessed until twelve o'clock noon; and at twelve minutes after twelve o'clock the House was called to order with Mr. Donato in the Chair.

Emergency Measures.

Catherine Ouellette,—sick leave.

The engrossed Bill establishing a sick leave bank for Catherine Ann Ouellette, an employee of the Trial Court (see Senate, No. 2228), 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.

Lowell Civic Stadium Commission.

The engrossed Bill relative to the Lowell Civic Stadium Commission (see Senate, No. 2236, 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 Senate) was passed to be enacted; and it was signed by the acting Speaker and Senate to the Senate.

Engrossed Bills.

Engrossed bills

Bills enacted.

Authorizing the town of Charlton to acquire dams within the town, to make improvements to dams and to authorize the assessment of betterments to pay costs associated therewith (see Senate No. 2108, amended) (which originated in the Senate); and

Relative to a wastewater management district in the town of Harvard (see House No. 4407, amended) (which 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,—

Next sitting.

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

At half past twelve o'clock noon, on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Wednesday at eleven o'clock A.M., in an Informal Session.

Wednesday, January 27, 2010.

Met at six minutes after 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.

Papers from the Senate.

The House Bill relative to the board of public accountancy and regulating the registration of certified public accountants (House, No. 4159) came from the Senate passed to be engrossed, in concurrence, with amendments striking out section 10 and inserting in place thereof the following two sections:

Public accountants.

"SECTION 10. Section 87B of said chapter 112, as so appearing, is hereby amended by adding the following subsection:—

(h) (1) Notwithstanding any general or special law to the contrary, a person shall not engage in the practice of certified public accountancy pursuant to paragraph (2) unless such person holds a valid license as a certified public accountant from a state that permits a certified public accountant licensed by the commonwealth to qualify for substantial equivalency and to engage in the practice of certified public accountancy in that state and have all the privileges of a certified public accountant in that state without the need to obtain a certificate or license from that state.

(2) A person whose principal place of business is outside the commonwealth shall be deemed to have qualifications substantially equivalent to the commonwealth's requirements for the practice of public accountancy and shall be authorized to engage in the practice of certified public accountancy in the commonwealth, including offering and rendering professional services, whether in person or by mail, telephone or electronic means, if such person holds: (i) a valid license as a certified public accountant issued by any state which the National Qualification Appraisal Service of the National Association of State Boards of Accountancy, hereinafter referred to as the NASBA, has verified to be in substantial equivalence with the certified public accountant licensure requirements of the Uniform Accountancy Act published jointly by the NASBA and the American Institute of Certified Public Accountants, hereinafter referred to as the AICPA, if such state has adopted and implemented a 150 hour educational requirement as a qualification for initial licensure as a certified public accountant; or (ii) a valid license as a certified public accountant issued by any state which the National Qualification Appraisal Service of the NASBA has not verified to be in substantial equivalence with the certified public accountant licensure requirements of the AICPA/NASBA Uniform Accountancy Act, if such

Public accountants.

person has obtained, from the National Qualification Appraisal Service of the NASBA, verification that such person's certified public accountant qualifications are substantially equivalent to the certified public accountant licensure requirements of the AICPA/NASBA Uniform Accountancy Act; provided, however, that any person who has passed the Uniform Certified Public Accountant Examination and holds a valid certified public accountant certificate issued by any other state prior to January 1, 2012 shall be deemed exempt from the education requirements in subsection (e) of section 87A½.

(3) Any person holding a certified public accountant certificate from another state and engaged in the practice of certified public accountancy pursuant to this subsection, and the firm which employs such person is acting in the commonwealth as an agent of such firm, shall be deemed to have consented to (i) the disciplinary authority of the board, and to the personal and subject matter jurisdiction of any duly authorized court of the commonwealth; (ii) compliance with this chapter and any regulation adopted by the board pursuant hereto; (iii) agree to cease offering or rendering professional services in the commonwealth personally and as an agent of a firm, if the certificate from the state of the person's principal place of business is no longer valid, or if the certificate or license from the state of the firm's principal place of business is no longer valid; and (iv) the appointment of the state board that issued the person's or firm's certificate as the person's or firm's agent upon which process may be served in any action or proceeding by the board.

(4) A person and a firm issued a license to practice public accountancy by the board shall be subject to disciplinary action by the board for acts or omissions related to the practice of public accountancy committed in any other state. The board may investigate any complaint concerning a Massachusetts licensee filed with the board of accountancy of any other state and shall enforce any disciplinary action taken by the board of accountancy of any other state.

(5) An individual licensee or a person engaged in the practice of certified public accountancy pursuant to paragraph (2) who is responsible for supervising, attesting to or compiling services and who signs, or authorizes another to sign, an accountant's report on the financial statements on behalf of a firm shall meet the competency requirements set out in the professional standards for such services.

(6) A licensee or a person engaged in the practice of certified public accountancy pursuant to paragraph (2) who signs, or authorizes another to sign, an accountant's report on financial statements on behalf of a firm shall meet the competency requirements set out in the professional standards adopted by the board of professional licensure for such services.

SECTION 10A. Paragraph (2) of subsection (h) of section 87B of chapter 112 of the General Laws, as appearing in section 10, is hereby amended by adding the following sentence:— Any person who qualifies for the practice privilege pursuant to this subsection may exercise such privilege in the commonwealth, without limitation on the period of time within which such person may so practice in the commonwealth as long as such person remains qualified pursuant to this subsection, and shall not be required to obtain a cer-

tificate or license pursuant to this section, except as provided in this subsection, submit any other notice to the board or obtain a temporary practice permit from, or pay any fee to the board."; inserting after section 18 the following section:

"SECTION 18A. Said section 87C½ of said chapter 112, as so appearing, is hereby further amended by adding the following subsection:—

(d) A person engaged in the practice of certified public accountancy pursuant to paragraph (2) of subsection (h) of section 87B shall be included, for purposes of this section, within the definition of a licensee."; and striking out section 22 and inserting in place thereof the following five sections:

"SECTION 22. Whoever qualifies to engage in the practice of certified public accountancy pursuant to subsection (h) of section 87B of chapter 112 of the General Laws may so practice for a period not to exceed 90 days in a calendar year. To practice beyond the 90 day period such person shall apply for a temporary practice permit. The application for the temporary practice permit shall be in a form to be prescribed by the board of public accounting. Such form shall require the applicant's name, the applicant's address, the state of the applicant's principal place of business, and the applicant's license number in such state and any other contact information which the board deems necessary. A temporary practice permit shall be valid until June 30, 2011, unless revoked by the board for good cause shown, and shall authorize the holder thereof to practice on the same terms as during the initial 90 day period upon submission of the application therefor, unless and until such application is rejected by the board.

SECTION 22A. The board of public accountancy shall adopt rules and regulations for the implementation, administration and enforcement of subsection (h) of section 87B of chapter 112 of the General Laws, as appearing in section 10, not later than January 1, 2011.

SECTION 23. Section 22 is hereby repealed.

SECTION 24. Notwithstanding any general or special law to the contrary, the secretary of administration and finance, in consultation with the director of professional licensure, may adjust the fees established by said secretary pursuant to section 3B of chapter 7 of the General Laws for the issuance of a firm license under section 87B½ of chapter 112 of the General Laws to offset the loss, or any anticipated loss, of revenue incurred by the commonwealth and the division of professional licensure as a result of the enactment, administration and enforcement of this act.

SECTION 25. Sections 10A and 23 shall take effect on June 30, 2011. The remainder of this act, except section 22A, shall take effect on July 1, 2010.".

Under suspension of Rule 35, on motion of Mr. Rodrigues of Westport, 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.

Lyme disease,— research.

A petition of Jennifer E. Benson, Ellen Story and others relative to establishing a public health Lyme disease research institute at the University of Massachusetts Medical School came from the Senate

Lyme disease,—research.

with the endorsement that said branch had concurred with the House in the suspension of Joint Rule 12, non-concurred with the House in its reference to the committee on Public Health and that the Senate had referred the petition, in non-concurrence to the committee on Higher Education.

On motion of Mr. Sánchez of Boston, the House then insisted on its reference to the committee on Public Health. Sent to the Senate for its action.

Bills

Walter J. Boverini Walkway.

Designating the walking path along Lynn Shore Drive at Red Rock Park in the city of Lynn as the Walter J. Boverini Scenic Walkway (Senate, No. 407) (on a petition).

Charlemont,—town clerk.

Establishing the position of town clerk in the town of Charlemont (Senate, No. 2130, amended by inserting after section 4 the following section:

"SECTION 5. Notwithstanding section 1, the incumbent in the office of town clerk upon the effective date of this act shall continue to hold that office and perform the duties thereof until the expiration of the term for which he was elected and the appointment and qualifications of a successor, or until the incumbent otherwise vacates the office.") (on a petition).

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reports of Committees.

Ryan Patrick Jones Bridge.

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 a petition of Anne M. Gobi for legislation to establish a sick leave bank for Denise Goodreau, an employee of the Department of Mental Retardation. Under suspension of the rules, on motion of Mr. Kafka of Stoughton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Manufacturers' coupons.

By Mr. Koutoujian of Waltham, for the committee on Financial Services, on a petition, a Bill relative to manufacturers' coupons and rebates (House, No. 3451) ought to pass. Referred, under Joint Rule 1E, to the committee on Health Care Financing.

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

Senate Bills

Correctional employees.

Punishing assault and battery by means of a bodily substance upon correctional facility employees (Senate, No. 997, amended);

Quincy,—tax abatements.

Authorizing the board of assessors of the city of Quincy to grant tax abatements to certain military personnel (Senate, No. 1302) [Local Approval Received]; and

Designating a certain bridge in the towns of Orange and Wendell as the Franklin County Purple Heart Memorial Bridge (Senate, No. 1890); and — Franklin County,— bridge.

House Bills

Relative to scrap metal dealers (House, No. 328, changed); — Scrap metal.

Relative to juror service (House, No. 1631); — Juror service.

To improve juror service (House, No. 1633); — Id.

Authorizing the town of Franklin to appropriate funds and incur debt for the purpose of removing overhead utilities and replacing the same with underground facilities (House, No. 4251) [Local Approval Received]; — Franklin,— utilities.

Relative to elections in the town of Wayland (House, No. 4256) [Local Approval Received]; — Wayland,— town officials.

Designating a certain bridge in the town of Mansfield in honor of Edward Joseph Pazsit (House, No. 4338, changed); — Mansfield,— bridge.

Relative to the boundaries of the Fore River designated port area (House, No. 4360, changed); and — Fore River.

To provide the voters of the town of Bridgewater a choice of charters for new forms of government (House, No. 4413) [Local Approval Received]. — Bridgewater,— town charters.

Severally placed in the Orders of the Day for the next sitting for a second reading.

Engrossed Bills.

The engrossed Bill establishing a sick leave bank for Catherine Ann Ouellette, an employee of the Trial Court (see Senate, No. 2228), (which originated in the Senate), in respect to which the Senate had concurred in the adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate. — Bill enacted.

Orders of the Day.

The House Bill authorizing the town of Spencer to grant real and personal property tax abatements to members of the Massachusetts National Guard and reserve units called to active duty and serving in a foreign country (House, No. 1134), 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. — Third reading bill.

Order.

On motion of Mr. DeLeo of Winthrop,—

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

At twenty-two minutes after eleven o'clock A.M., on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M.

Thursday, January 28, 2010.

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

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

Prayer.

God, Our Creator, at the beginning of today's formal legislative session, in prayer we turn our attention and thoughts to You and spiritual realities. Our intention for this and everyday is to serve You, our constituents and our families in a faithful and generous manner. Amid the uncertainties of these times and the changes in our culture, may we have clarity of thought, peace of mind and serenity of spirit. Inspire us, as a society, to reason together in addressing issues and to plan together for the present and the future well-being of the people and the Commonwealth. Grant us the intellectual strength, moral courage and love of truth to remain faithful to our ideals, goals and religious beliefs. May we also be alert to the needs of people and open to the suggestions of all people in our districts.

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.

Messages from the Governor.

General appropriation bill.

A message from His Excellency the Governor submitting the annual budget of the Commonwealth for the fiscal year beginning July 1, 2010 (House, No. 2) was filed in the office of the Clerk on Wednesday, January 27.

The message was read; and it was referred, under Rule 30, with the accompanying schedules, to the committee on Ways and Means.

Supplemental appropriations.

A message from His Excellency the Governor submitting requests for making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4444) was filed in the office of the Clerk on Wednesday, January 27.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Ways and Means.

Child support,— health care.

A message from His Excellency the Governor recommending legislation relative to providing for the health care needs of children with child support orders and the enforcement of child support (House, No. 4445) was filed in the office of the Clerk on Wednesday, January 27. The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on the Judiciary. Sent to the Senate for concurrence.

A message from His Excellency the Governor recommending legislation relative to reforming community supervision of criminal defendants and offenders by establishing the department of community supervision within the Executive Office of Public Safety and Security (House, No. 4446) was filed in the office of the Clerk on Wednesday, January 27.

Criminals,— supervision.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on the Judiciary. Sent to the Senate for concurrence.

A message from His Excellency the Governor recommending legislation relative to providing for the modernization and sustainability of the pension system (House, No. 4440) was filed in the office of the Clerk on Tuesday, January 26.

Pension system.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Public Service. Sent to the Senate for concurrence.

Message from the Governor — Reorganization Plan No. 1 of 2010.

A message from His Excellency the Governor submitting (under Article LXXXVII of the Amendments to the Constitution) Reorganization Plan No. 1 of 2010, relative to reorganizing certain agencies of the Executive Department (House, No. 4447) was filed in the office of the Clerk on Wednesday, January 27.

Reorganization Plan No. 1.

The message was read; and it was referred, under Article LXXXVII and Joint Rule 23A, with the accompanying draft of a bill, to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

Statement Concerning Representative Spiliotis of Peabody.

A statement of Mr. Mariano of Quincy concerning Ms. Spiliotis of Peabody was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Spiliotis of Peabody, is unable to be present in the House Chamber for today's sitting due to a long-standing family commitment. Her missing of roll calls today will be due entirely to the reason stated.

Statement concerning Ms. Spiliotis of Peabody.

Statement Concerning Representative Wallace of Boston.

A statement of Mr. Mariano of Quincy concerning Mr. Wallace of Boston was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Wallace of Boston, is unable to be present in the House Chamber for today's sitting due to illness. His missing of roll calls today will be due entirely to the reason stated.

Statement concerning Mr. Wallace of Boston.

Resolutions.

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

Mark Fitzgerald.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Mark Fitzgerald on earning the Eagle Scout Award;

Michael Kowal.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Michael Kowal on earning the Eagle Scout Award;

Heart Defect Week.

Resolutions (filed by Miss Garry of Dracut) recognizing February 7 through 14 as Congenital Heart Defect Awareness Week;

Joel Jay Berner.

Resolutions (filed by Mr. Naughton of Clinton) recognizing Colonel Joel Jay Berner's dedication as Commander of the Third Legal Support Organization;

Richard and Marilyn Stoddard.

Resolutions (filed by Mr. Nyman of Hanover) congratulating Mr. and Mrs. Richard Stoddard on the happy occasion of their fiftieth wedding anniversary;

Mansfield,—St. Mary's School.

Resolutions (filed by Representatives Poirier of North Attleborough, Barrows of Mansfied and Kafka of Stoughton) on the occasion of the observance of National Catholic Schools Week by Saint Mary's School in Mansfield;

Somerville Road Runners.

Resolutions (filed by Representatives Provost of Somerville, Sciortino of Somerville and Toomey of Cambridge) congratulating the Somerville Road Runners on their fifteenth anniversary;

James Andrews.

Resolutions (filed by Messrs. Ross of Wrentham and Rosa of Leominster) congratulating James Andrews on the occasion of his retirement;

John Kelly.

Resolutions (filed by Mr. Rush of Boston) celebrating John Kelly of West Roxbury on the occasion of his eightieth birthday;

Janet Jones.

Resolutions (filed by Ms. St. Fleur of Boston) honoring Janet Jones;

American Heart Month.

Resolutions (filed by Ms. Wolf of Cambridge) commemorating the American Heart Association on its celebration of February as American Heart Month; and

Cambridge School Cambodia Project.

Resolutions (filed by Ms. Wolf of Cambridge) congratulating the Cambridge School for Cambodia Project on the opening of a school in Cambodia;

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. Costello of Newburyport, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Initiative Petitions.

Sales tax on alcohol.

Initiative petition of Frank J. Anzalotti and others for the passage of An Act to repeal the sales tax on alcohol (House, No. 4454) (received on January 7, 2010, from the Secretary of the Commonwealth, having been transmitted by him to the Clerk of the House of Representatives as required by Article XLVIII of the Amendments to the Constitution), was referred, under said Article and Rule 24, to the committee on Revenue. Sent to the Senate for concurrence.

Housing permits and regional planning.

Initiative petition of John V. Belskis and others for the passage of An Act relative to comprehensive permits and regional planning (House, No. 4455) (received on January 7, 2010, from the Secretary

of the Commonwealth, having been transmitted by him to the Clerk of the House of Representatives as required by Article XLVIII of the Amendments to the Constitution), was referred, under said Article and Rule 24, to the committee on Housing. Sent to the Senate for concurrence.

Sales tax.

Initiative petition of Carla A. Howell and others for the passage of An Act known as the 3% sales tax relief act (House, No. 4456) (received on January 7, 2010, from the Secretary of the Commonwealth, having been transmitted by him to the Clerk of the House of Representatives as required by Article XLVIII of the Amendments to the Constitution), was referred, under said Article and Rule 24, to the committee on Revenue. Sent to the Senate for concurrence.

Charter schools.

Initiative petition of James A. Peyser and others for the passage of An Act to increase quality and parental choice in public education by expanding enrollment in high-quality charter public schools (House, No. 4457) (received on January 7, 2010, from the Secretary of the Commonwealth, having been transmitted by him to the Clerk of the House of Representatives as required by Article XLVIII of the Amendments to the Constitution), was referred, under said Article and Rule 24, to the committee on Education. Sent to the Senate for concurrence.

Renewable energy and carbon emissions.

Initiative petition of Susan E. Laing and others for the passage of An Act to limit carbon dioxide emissions from renewable and alternative energy sources (House, No. 4458) (received on January 7, 2010, from the Secretary of the Commonwealth, having been transmitted by him to the Clerk of the House of Representatives as required by Article XLVIII of the Amendments to the Constitution), was referred, under said Article and Rule 24, to the committee on Telecommunications, Utilities and Energy. Sent to the Senate for concurrence.

Petitions.

Petitions severally were presented and referred as follows:

Revere,—filling vacancy.

By Ms. Reinstein of Revere, petition (accompanied by bill, House, No. 4448) of Kathi-Anne Reinstein (with the approval of the mayor and city council) relative to the filling of a vacancy in the office of mayor in the city of Revere. To the committee on Election Laws.

Woburn,—parcel of land.

By Mr. Kaufman of Lexington, petition (accompanied by bill, House, No. 4449) of Jay R. Kaufman and James Dwyer (with the approval of the mayor and city council) relative to the use of a certain parcel of land in the city of Woburn for recreational purposes.

Brewster,—energy projects.

By Representative Turner of Dennis and Senator O'Leary, joint petition (accompanied by bill, House, No. 4450) of Cleon H. Turner and Robert A. O'Leary (by vote of the town) that the town of Brewster be authorized to use a portion of town owned land for renewable energy projects.

Severally to the committee on Municipalities and Regional Government.

Brookline,—retired employees.

By Representative Smizik of Brookline and Senator Creem, joint petition (accompanied by bill, House, No. 4451) of Frank I. Smizik, Cynthia Stone Creem and others (by vote of the town) relative to health insurance coverage for retired employees of the town of Brookline. To the committee on Public Service.

Severally sent to the Senate for concurrence.

Elizabeth Lynch,—sick leave.

Ms. Gobi of Spencer presented a petition (subject to Joint Rule 12) of Anne M. Gobi, Stephen M. Brewer and James J. O'Day that the Department of Children and Families be authorized to establish a sick leave bank for Elizabeth J. Lynch, an employee of said department; and the same was referred, under Rule 24, to the committee on Rules.

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

Stephen R. Fratalia,—sick leave.

Mr. Rogers of Norwood presented a petition (subject Joint Rule 12) of John H. Rogers for legislation to establish a sick leave bank for Stephen R. Fratalia, an employee of the Department of Probation; and the same was referred, under Rule 24 to the committee on Rules.

Papers from the Senate.

Vocational education.

The Senate Bill relative to vocational education (Senate, No. 253, 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 4406) with a further amendment striking out all after the enacting clause and inserting in place thereof the following:

"The commissioner of elementary and secondary education may approve the establishment of 2 pilot vocational-technical education programs in criminal justice, 1 of which shall be by the Greater New Bedford Regional Vocational Technical High School and 1 of which shall be by Quincy High School. The purpose of the pilot programs shall be to determine the feasibility and cost of establishing criminal justice as a vocational-technical education program under chapter 74 of the General Laws. Students enrolled in the pilot programs shall be considered to be enrolled in an approved vocational-technical education program for all purposes; provided, however, that those students shall not be included within the definition of vocational enrollment in section 2 of chapter 70 of the General Laws for funding purposes. The qualifications of the teachers shall be subject to approval by the commissioner. The department of elementary and secondary education shall report its recommendations regarding the feasibility and costs of establishing criminal justice as a vocational-technical education program under chapter 74 of the General Laws to the general court by June 30, 2013.".

Under suspension of Rule 35, on motion of Ms. Walz of Boston, the further amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Unpaid municipal fines.

The House Bill relative to the collection of unpaid municipal fines (House, No. 3588, amended) came from the Senate passed to be engrossed, in concurrence, with an amendment after line 36 striking out the following subsection:

"Section 8A. A municipal officer charged with enforcement of this section shall make a good faith attempt to locate the violator of this provision prior to issuing a violation or fine." (inserted by amendment by the House).

Under suspension of Rule 35, on motion of Mr. Pedone of Worcester, the further amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Reports of Committees.

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

Police chases,—unused or expired.

Joint petition (accompanied by bill) of James M. Cantwell and Robert L. Hedlund for legislation to increase the penalty imposed on operators of motor vehicles involved in police chases. To the committee on Public Safety and Homeland Security.

Disabled fire fighters.

Petition (accompanied by bill) of Paul J. Donato relative to the classification of disabled fire fighters as "conditional employees" as a precondition of reinstatement as a fire department employee. To the committee on Public Service.

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

Concord Housing Development Corporation.

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 to the town of Concord Housing Development Corporation (House, No. 4340) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4442). 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 amendment pending.

Under suspension of Rule 7A, on motion of Ms. Atkins of Concord, the bill was read a second time forthwith.

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

Subsequently, the noon recess having terminated, 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. 4442) then was sent to the Senate for concurrence.

Health plans.

By Ms. Stanley of West Newbury, for the committee on Health Care Financing, on Senate, No. 2170 and House, No. 4331, a Bill relative to an affordable health plan (House, No. 4452). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Engrossed Bill.

Bill enacted.

The engrossed Bill relative to the Board of Public Accounting and regulating the Registry of Certified Public Accountants (see House, No. 4159, amended) (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.

Recess.

Recess.

At twenty-four minutes before twelve o'clock noon, on motion of Mr. Pedone of Worcester (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at that time the House was called to order with Mr. Donato in the Chair.

Address of Speaker Robert A. DeLeo of Winthrop.

The address of Speaker DeLeo of Winthop was spread upon the records of the House, on motion of Mr. Pedone of Worcester, as follows:

Address of Speaker Robert A. DeLeo of Winthrop.

My fellow representatives, one year ago you elected me to be your Speaker of the House and today I'd like to take a few moments to reflect on this challenging year and talk a bit about the coming one.

First, I'd like to thank you, my colleagues for bestowing upon me the highest honor of my professional career, the honor of serving as the Speaker of the House.

Make no mistake; the last year has been a very tough year for our fellow citizens in the nation and our great state. While there appears to be light at the end of the tunnel, it is unclear how quickly this will translate to better times for our citizens. Today, it's abundantly clear, we must, as a body, concentrate on jobs and the economy as we continue to cooperate with the other branches of state government to make the kinds of tangible, cost saving reforms that the public expects and deserves. There are signs of a recovery in the air and confidence is returning to the markets. Now we have to do our part to make this happen for the citizens of Massachusetts that each of us represents.

First, let me make this clear at the very beginning, the budget we will propose this spring will not include a tax increase. Citizens are already living paycheck to paycheck and stretching their dollar as far as humanly possible. We cannot and will not ask them to do more.

Remember, had the gas tax passed and toll increases gone through a family with two drivers would have paid $832 more a year to get to their jobs, harbor tunnel users $1,800 more and Metro West drivers $780 more.

We will continue to look for reforms to our government and its programs that will result in savings. For example, last year we reformed the entire state transportation system. We drove a stake through the heart of the Mass Turnpike Authority and eliminated a quasi-governmental agency that was out of financial control. In addition, we reformed the state pension system. Taken together, these two economic reforms will save the state $6.5 billion dollars over the next two decades.

And, let's remember. We addressed ethics issues, which hadn't been touched in decades.

I want to say a special thanks to all of you, and, in particular, the chairpeople who have put their own unique stamp on the legislation we have passed.

And, while we don't hear much about it, we in Massachusetts — the House, the Senate under the leadership of President Murray, and Governor Patrick — handled our budget with more compassion and efficiency than other states. Through a combination of cuts, revenue enhancements and reforms, we produced a budget that won the praise of the bond rating agency Moody's, which cited our state's "effective management through a period of fiscal strain . . . in the current recession." Additionally, Fitch lauded our "prudent financial management."

Finally, the education bill we passed earlier this month was the most significant education reform since 1993 and puts us in a position to capture $250 million dollars in "Race to the Top" money. Again, in the context of an international economic crisis, the speed, cooperation, and will we demonstrated as a body stands in contrast to other states.

That was last year; now let's talk about the future, about jobs, the economy and what we can do to help.

I crisscrossed the state last year and that's what I plan to do again this year as well. I talked about jobs then and I'll continue to talk about them – until we get our citizens working again. I am launching a listening tour to solicit input from our citizens, to solicit ideas and issues from every corner of the state and I plan to share a few of my own.

Last fall, I visited Calloway Golf Company in Chicopee, which used workforce development monies to retrain their workers to operate new high-tech equipment. Without that funding, the Commonwealth would have lost those jobs forever.

Take FLEXcon, a Spencer-based manufacturer of pressure sensitive films and adhesives for more than 1,000 products. FLEXcon used training funds to implement Lean Manufacturing principles, which have saved the company money and permitted it to compete at a time of rising energy and material costs.

Back in 2005, another Massachusetts company — General Metal Finishing — had lost as much as 25% of its customer base and faced the possibility of cutting 100 jobs. A Workforce Training Fund grant allowed the company to control their costs and saved these vital jobs.

Through the beginning of this year, more than $175 million in grants has been awarded to train almost a quarter-million workers through the Workforce Training Fund.

Address of Speaker DeLeo.

Given the importance of jobs in our economy, I am committed to full funding of workforce development programs in the next fiscal year and I will seek to restore funding for Fiscal Year 10 as well.

In our effort to continue to build the workforce of tomorrow, I want to maximize the return on our investment in vocational technical high schools, community colleges and the entire higher education system. We can and must tie our technical high schools and the community college system more directly to specific industries like bio technology and health care as well as other emerging fields such as renewable energy and the green technologies.

I know this kind of coordination isn't revolutionary, it's just hard work, but it's work I'm willing to see through to the end because I believe in the notion that a well educated workforce is our greatest natural resource. This one unique characteristic has defined us as a state in the past and must continue to do so in the future.

While we fight to get jobs for those who don't have them and keep others working, we remain concerned about those who rely on unemployment insurance to survive. We must also seek to lessen the burden on our businesses, which fund our unemployment system. Unemployment insurance rates by employers are scheduled to skyrocket this spring. This is unacceptable.

These types of ideas are critical to our long term economic health and to maximizing the benefits of a recovering economy. In the short term, as a Northeastern University study recently recommended, I will work with the governor to expedite the release of the remaining stimulus money to go into projects that will provide the quickest employment opportunities.

We can and we must do more!

We can challenge those sectors of our economy that provide the most jobs — our private and public institutions of higher education and our hospitals — to go forward with their planned expansion projects sooner rather than later. I further call on local and state permitting authorities to recognize the importance of getting these projects going as quickly as possible.

We have a tough budget year coming up. Finding the resources to do some of the things necessary to create jobs and opportunities will continue to be difficult. That's why I'm open to every idea that could generate state revenue and jobs. The debate over the destination gaming issue is not a philosophical one. It is about a fight for job creation. It is a fight to expand our tourist attractions which in turn help to drive our economy. It is a fight to get shovels planted in the ground. To win this fight, I will make sure that any gaming legislation will require the creation of permanent jobs.

I am aware of the importance of putting young people to work during the summer. I will call upon — and ask that you make a similar request — to the businesses in your home communities to provide summer jobs to our young people.

One way we can all help our local businesses is to encourage our constituents to seek out and use local businesses. Not only do I, for example, get excellent services by buying locally, I know I am helping to keep people in Winthrop and Revere working.

Finally, despite the scope of our accomplishments this past year, we cannot, we must not, rest. With so many of our fellow citizens out of work, we have a great task in front of us. I will ask each of you to dedicate yourselves to the cause of getting the people of the Commonwealth back to work.

Thank you.

Reports of Committees.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the House Bill relative to school nutrition (House, No. 4438) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4441). 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 amendment pending. School nutrition.

Under suspension of Rule 7A, on motion of Mr. Koutoujian of Waltham, 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. 4441) was ordered to a third reading.

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

After debate on the question on passing the bill to be engrossed, Mr. Koutjouian of Waltham and other members of the House moved to amend it in line 53 by striking out the word "and" (the second time it appears) and in line 54, after the word "foods", by inserting the following: "; (4) the times of the school day during which the guidelines shall apply".

The amendments were adopted.

Mr. Koutjouian and other members of the House then moved to amend the bill in line 54, after the word "apply" (inserted by amendment), by inserting the following: "; and (5) adequate amounts of time for school lunch periods".

The amendment was adopted.

Mr. Koutjouian of Waltham and other members of the House then moved to amend the bill in line 54, after the word "periods" (inserted by amendment), by inserting the following: "; provided, however, that the departments shall create reasonable exceptions from said standards and guidelines for competitive foods or beverages sold before or after the end of the school day, during school-sponsored fundraisers and events, at booster sales, concession stands and other activities at school-related events.".

The amendment was adopted.

Mr. Peterson of Grafton and other members of the House then moved to amend the bill by inserting after section 6 the following section:

"SECTION 6A. (a) The department of agricultural resources in collaboration with the department of elementary and secondary education shall collect data including, but not limited to: (1) school districts and other educational institutions interested in purchasing

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Massachusetts' farm products; (2) the type and amount of such products schools wish to purchase; (3) the name of the appropriate contact person from the interested school district; (4) farm organizations and businesses that market Massachusetts' farm products; and (5) the availability of Massachusetts' farm products by type and amount of the product, the names and contact information of farmers and farm organizations and businesses marketing such products.

(b) Based upon the data collected pursuant to paragraph (a), the department of agriculture in collaboration with the department of elementary and secondary education shall work with programs that facilitate acquisition of local agricultural products by public schools, including the Massachusetts Farm to School Project, to develop a mechanism and process by which schools interested in purchasing Massachusetts' farm products may notify farms; provided that such a process ensures fair opportunities for all farms interested in selling products to schools; and provided further that fair negotiation and pricing processes are established for purchasing and selling of Massachusetts' farm products to schools.

(c) A report shall be made to the governor, the speaker of the house of representatives, the president of the senate, the joint committee on education; the joint committee on public health, and the house and senate chairs of the joint committee on environment, natural resources and agriculture that details the results of the data collected, the steps taken to comply with paragraph (b) and any recommendations, together with drafts of legislation necessary to carry recommendations into effect on or before March 1, 2011."; and by inserting after section 7 the following two sections:

"SECTION 7A. Section 4 of chapter 30B of the General Laws, as so appearing, is hereby amended by striking out the figure '$25,000', in line 17, and inserting in place thereof the following figure:— $50,000.

SECTION 7B. Notwithstanding any general or special law to the contrary, and to the extent permitted by federal law, the trustees or officers of a state college or university designated by them, when purchasing products of agriculture as defined in section 1A of chapter 128 of the General Laws, including but not limited to, fruits, vegetables, eggs, dairy products, meats, crops, horticultural products or products processed into value added products as part of a Massachusetts farm operation, shall, to the extent feasible, prefer such products grown in the commonwealth or products produced using products grown in the commonwealth as well as fish, seafood, and other aquatic products.".

Amendments adopted,— yea and nay No. 283.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays at the request of Mr. Koutoujian of Waltham; and on the roll call (Mr. Petrolati of Ludlow being in the Chair) 153 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 283 in Supplement.]

Therefore the amendments were adopted.

Ms. Callahan of Sutton and other members of the House then moved to amend the bill by inserting after section 7B (inserted by amendment) the following two sections:

"SECTION 7C. Chapter 7l of the General Laws is hereby amended by inserting after section 54B the following section:—

Section 54C. The school committee of each school district shall establish a local school health education advisory council to assist the district in ensuring that local community values are reflected in the district's health education instruction and wellness programs.

A school district shall consider the recommendations of the local school health education advisory council before changing the district's health education curriculum or instruction. The local school health advisory council's duties include recommending:— (a) the number of hours of instruction to be provided in health education; (b) health education curriculum appropriate for specific grade levels that shall incorporate the Massachusetts Comprehensive Health Curriculum Framework and that may include a coordinated health education program consistent with guidelines based on the American School Health Association's Comprehensive School Health Program and the Center for Disease Control and Prevention coordinated school health program designed to prevent obesity, cardiovascular disease, and Type II diabetes through coordination of the following nine elements:

(i) health services;
(ii) health education;
(iii) school nutrition services;
(iv) physical education;
(v) healthy school environment;
(vi) school counseling;
(vii) school psychological and social services;
(viii) staff health and wellness; and
(ix) family and community involvement.

The school committee shall appoint members to the local school health advisory council. A majority of the members must be persons who are parents of students enrolled in the district and who are not employed by the district. The board of trustees also may appoint one or more persons from each of the following groups or a representative from a group other than a group specified under this subsection: public school teachers, public school administrators, students, licensed health care professionals, the business community, law enforcement, senior citizens, the clergy and nonprofit organizations.

The department of education shall monitor and act as a clearing house for the activities of the local school health advisory councils.

The department shall also notify each school district of the availability of professional development opportunities on school health issues.

Each local school district shall develop an action plan prepared in collaboration with the local school health advisory council to assist in implementation of health education and wellness policies. The action plan shall identify steps that need to be taken each year to fully implement the policy and shall include a review and appropriate modification of existing physical education and health curricula.

SECTION 7D. The department of education shall conduct a cost analysis study under the direction of the commissioner and the advisory board established pursuant to section 12 of chapter 6 to identify

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the annual costs associated with continuously funding comprehensive health education resources to be used by local health advisory councils to assist in meeting district health education action plans, goals and objectives. The study shall be completed and reported to the general court and the governor by April, 2011.

The department shall also notify each school district of the availability of professional development opportunities and resources in school health education issues.". After remarks the amendment was rejected.

Mr. Koutoujian of Waltham then moved to amend the bill by adding the following section:

"SECTION 9. The department of public health shall investigate the utility of developing and implementing pilot initiatives to reduce childhood obesity through school-based, behavioral and incentive-driven programs such as iMove, Planet Health, and others. The department shall report on the findings of this investigation no later than 18 months after the effective date of this act.".

The amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by striking out section 5 and inserting in place thereof the following section:

"SECTION 5. There is hereby established a commission on childhood obesity which shall be responsible for developing a statewide plan to reduce childhood obesity through the promotion of evidence-based programs to provide proper nutrition and exercise for the children of the commonwealth. Said commission shall make a comprehensive review of current evidence-based research and programs that promote proper nutrition for children at each stage of development as well as appropriate levels of physical education and activity for all children. Said programs shall, insofar as possible, involve parents and families to ensure that the effort to reduce childhood obesity is not limited to time in school.

The commission shall be co-chaired by the commissioners of the departments of public health, elementary and secondary education, and early education and care, or their designees; and shall include: the commissioner of mental health or his designee; the commissioner of medical assistance or his designee; the commissioner of agricultural resources or his designee; the commissioner of transitional assistance or his designee, the commissioner of insurance or his designee; the chair of the statewide student advisory council or his designee; 5 members appointed by the governor, 1 of whom shall be an expert in childhood nutrition, 1 of whom shall be an expert in exercise and fitness and 1 of whom shall be an expert in eating disorders; two members to be appointed by the senate president; one member to be appointed by the senate minority leader; two members to be appointed by the speaker of the house of representatives; and one member to be appointed by the house minority leader. Said commission members shall serve without compensation.

In developing said statewide plan to reduce childhood obesity, the commission shall consider such concepts as:

(a) Developing and implementing a method for evaluating annual progress toward the goals of the statewide plan; and

(b) Making recommendations to the governor and General Court relative to the revision of school nutrition standards in coordination with ongoing efforts pursuant to section (e) of section 90 of chapter 71.

The commission shall annually assess the progress in the state toward reducing childhood obesity, make recommendations relative to the reduction of childhood obesity rates taking into consideration the ongoing efforts to evaluate the appropriateness of maintaining leading nutritional standards in public schools pursuant to subsection (e) of section 223 of chapter 111 of the General Laws and provide a copy of the statewide plan and drafts of legislation necessary to carry its statewide plan into effect, including an estimate the fiscal impact of the statewide plan, if any, by filing the same with the governor, the house and senate committees on ways and means, the joint committee on public health and the joint committee on education.".

The amendment was adopted; and the bill was referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Mr. Binienda of Worcester, for said committees, then reported recommending that the foregoing bill ought to pass.

Under suspension of the rules, on motion of Mr. Sánchez of Boston, the bill was considered forthwith, the question being on passing the bill, as amended, to be engrossed, in concurrence.

Ms. L'Italien of Andover then moved to amend the bill in section 5 (inserted by amendment), at the end of clause (a), by striking out the word "and", and in clause (b) by striking out the figures "71." and inserting in place thereof the following: "71; and (c) recommending that school districts hold recess before lunch so that students can build up an appetite, make nutritious choices and battle against childhood obesity".

The amendments were adopted.

Ms. Khan of Newton then moved to amend the bill by adding the following section:

"SECTION 10. Chapter 71 of the General Laws as appearing in the 2004 Official Edition is hereby amended by adding at the end thereof, the following sections:—

1. (a) The Department of Elementary and Secondary Education in collaboration with the Department of Public Health shall promulgate regulations requiring all school districts including local and regional districts to convene a School Wellness Advisory Committee that shall in accordance with federal laws and regulations to develop and to recommend to the superintendent of schools and school committee a school district wellness policy addressing school nutrition, nutrition education, and physical activity. The committee shall include, but need not be limited to, school committee members, school administrators, school nurses, food service directors, food service staff, parents of students in the school district, students, physical and health education teachers, dietitians, health care professionals and interested community members. Existing committees shall qualify as a School Wellness Advisory Committee as long as they meet the standards in this section.

(b) The Department of Elementary and Secondary Education may promulgate regulations and minimum standards to provide guidance

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for said committees to develop school district wellness policies. These committees shall solicit input from parents, teachers, students and community members and shall hold at least 1 public hearing in the local or regional school district. The policies adopted by said committee may address issues and goals, including, but not limited to all of the following:

Implementing the nutritional standards set forth by the United States Department of Agriculture and state laws and regulations;

Improving nutritional standards by increasing the availability of fresh fruits and vegetables, including provisions that encourage schools to make fruits and vegetables available at all locations where food is sold and ensuring, to the extent possible, that the food is served is fresh;

Considering the diverse religious and cultural preferences and requirements in food among the student body as well as food allergies;

Ensuring that all food served to students throughout the day and after student meets federal and state food safety requirements;

Integrating requirements for Physical Education classes in Grades K-12. Physical Education shall be not less than 150 minutes per week at the elementary level and 225 minutes per week in middle and high school levels;

Ensuring regular professional development for food services staff meets the requirements laid out by the American Dietetic Association and the School Nutrition Association including but not limited to training for food services staff to integrate state and federal nutrition standards into meals and snacks provided to students;

Ensuring that nutrition education include strategies for children to understand and engage in healthy eating habits as well as components relating to the medical and behavioral implications of unhealthy eating, not limited to risk of type 2 diabetes, heart disease, kidney disease, stroke and cancer;

Improving the quality of physical education curricula by including classroom lectures which identify the benefits of physical activity and health as well as selecting physical activities which encourage students to exercise their large muscle groups;

Creating and enforcing physical education requirements to promote healthful levels of vigorous physical activity;

Implementing a Safe Routes to School, hereinafter referred to as SRTS program, pursuant to the federal SAFETEA-LU Strategic Highway Safety Plan, 23 U.S.C. 148 to encourage those students who reside within walking, 1 mile, or bicycling, 3 miles, distance from school to take these active modes of transportation to and from school. The SRTS program can include both educational and encouragement elements, and may also entail work with the local municipality to implement infrastructure improvements such as improved street crossings, traffic calming, new or repaired sidewalks, or bicycle/walking paths. Schools and school districts shall call on SRTS program housed with the Executive Office of Transportation for assistance in the development of SRTS programs;

Altering the economic structures in place to encourage healthy eating by students and reduce dependency on generating profits for the school from the sale of unhealthy foods; Creating nutritional

guidelines and limitations for school fundraisers operated on school premises from one-half hour before school begins, during school hours and to one-half hour after school ends;

Developing a financing plan to implement its policies;

Increasing the availability of organic fruits and vegetables and school gardens; and Collaborating with local farmers' markets.

(c) Each School Wellness Advisory Committee shall review and evaluate the school district policy every three years. This review shall ensure that the policy is in accordance with federal laws and regulations, and shall consider ongoing changes in nutritional standards and requirements for physical education. The evaluation shall include input from, but not be limited to, the following individuals or groups: the superintendent of schools, the school committee, the parent-teacher association, physical education teachers, nutrition and health education teachers, school nurses food service providers, and students. Upon completion of the evaluation, the School Wellness Advisory Committee shall make recommendations to amend, change or rewrite the school/regional district wellness policy. Said reservations to the school/regional district wellness policy shall be completed prior to the start of the next school year following the completion of the evaluation.".

The amendment was adopted.

Messrs. Pedone of Worcester and Binienda of Worcester then moved to amend the bill in lines 45 and 46 by striking out clause 2 contained therein and inserting in place thereof the following clause:

"(2) beverages that are (i) water without additives or carbonation; (ii) non-sweetened carbonated water; (iii) 100 per cent fruit juice; (iv) nonfat or low-fat dairy drinks".

The amendment was adopted.

Bill passed to be engrossed,—yea and nay No. 284.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays at the request of Mr. Sánchez of Boston; and on the roll call 152 members voted in the affirmative and 4 in the negative.

[See Yea and Nay No. 284 in Supplement.]

Therefore the bill (House, No. 4459, published as amended) was passed to be engrossed. Sent to the Senate for concurrence.

Mr. Pedone of Worcester being in the Chair,—

Harassment prevention orders.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill relative to harassment prevention orders (Senate, No. 2212, 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 4443. 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 amendment pending.

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

The amendment recommended by the committee on Ways and Means was adopted; and the bill (Senate, No. 2212, amended) was ordered to a third reading.

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

Bill passed to be engrossed,—yea and nay No. 285.

After debate on the question on passing the bill, as amended, to be engrossed, in concurrence, the sense of the House was taken by yeas and nays at the request of Mr. Koutoujian of Waltham; and on the roll call (Mr. Donato of Medford being in the Chair) 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 285 in Supplement.]

Therefore the bill (Senate, No. 2212, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment adopted by the House.

Orders of the Day.

Third reading bill.

The House Bill relative to the town of Wilmington sewer system (House, No. 4061) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Second reading bills.

Senate bills

Punishing assault and battery by means of a bodily substance upon correctional facility employees (Senate, No. 997, amended);

Authorizing the board of assessors of the city of Quincy to grant tax abatements to certain military personnel (Senate, No. 1302); and

Designating a certain bridge in the towns of Orange and Wendell as the Franklin County Purple Heart Memorial Bridge (Senate, No. 1890); and

House bills

Relative to scrap metal dealers (House, No. 328, changed);

Relative to juror service (House, No. 1631);

To improve juror service (House, Ho. 1633);

Authorizing the town of Franklin to appropriate funds and incur debt for the purpose of removing overhead utilities and replacing the same with underground facilities (House, No. 4251);

Relative to the elections in the town of Wayland (House, No. 4256);

Designating a certain bridge in the town of Mansfield in honor of Edward Joseph Pazsit (House, No. 4338, changed);

Relative to the boundaries of the Fore River designated port area (House, No. 4360, changed); and

To provide the voters of the town of Bridgewater a choice of charters for new forms of government (House, No. 4413);

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

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

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

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty-five 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.

Monday, February 1, 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.

Gracious God, we begin the first day of a new month with a prayer for Your guidance as we take up the legislative matters which are before us this day. In Your goodness, inspire us to make legislative decisions and to select legislative options which are in accord with right reason and Your ways and precepts. In these difficult and uncertain times, may our hearts and minds be filled with hope, joy and truth as we work together in building a peaceful, prosperous and ethical society. Grant us the wisdom to encourage all people, especially our young people, to recognize and to utilize their personal intellectual talents and special personal gifts in their search for direction, meaning and success in life. As a people and nation we thank You for our past blessings and humbly ask for the wisdom to maximize our present opportunities. May we remain faithful to our ideals and lofty goals.

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.

Resolutions.

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

Attleboro,—Bishop Feehan High School.

Resolutions (filed by Representatives Poirier of North Attleborough and Bowles of Attleboro) on the occasion of the observance of National Catholic Schools Week by Bishop Feehan High School in Attleboro;

Attleboro,—St. John's School.

Resolutions (filed by Representatives Poirier of North Attleborough and Bowles of Attleboro) on the occasion of the observance of National Catholic Schools Week by Saint John's School in Attleboro;

North Attleboro,—St. Mary's.

Resolutions (filed by Mrs. Poirier of North Attleborough) on the occasion of the observance of National Catholic Schools Week by Saint Mary's/Sacred Heart School in North Attleboro;

Taunton,—Coyle and Cassidy High School.

Resolutions (filed by Representatives Poirier of North Attleborough, Fagan of Taunton, Haddad of Somerset and Canessa of New Bedford) on the occasion of the observance of National Catholic Schools Week by Coyle and Cassidy High School in Taunton;

Taunton,—Catholic Middle School.

Resolutions (filed by Representatives Poirier of North Attleborough, Fagan of Taunton, Haddad of Somerset and Canessa of New Bedford) on the occasion of the observance of National Catholic Schools

Week by Taunton Catholic Middle School in Taunton; and Catholic Middle School;

Resolutions (filed by Representatives Poirier of North Attleborough, Fagan of Taunton, Haddad of Somerset and Canessa of New Bedford) on the occasion of the observance of National Catholic Schools Week by Our Lady of Lourdes School in Taunton;

Taunton,—Our Lady of Lourdes School.

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. O'Day of West Boylston, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communications.

Communications

From the Department of Elementary and Secondary Education (under Section 1J of Chapter 69 of the General Laws, as amended by Section 39 of Chapter 12 of the Acts of 2010) soliciting public comment on a proposed amendment to 603 CMR 2.00, Regulations on Under-Performing Schools and School Districts [copies of such communication were made available to the joint committee on Education, as required by said law]; and

Achievement gap education reform.

From the Division of Unemployment Assistance (under the provision of Chapter 142 of the Acts of 2003) relative to the condition of the Commonwealth's Unemployment Insurance Trust Fund for January, 2010;

Unemployment Trust Fund.

Severally were placed on file.

Petitions.

Petitions severally were presented and referred as follows:

By Ms. Benson of Lunenburg, petition (subject to Joint Rule 12) of Jennifer E. Benson and Jennifer Flanagan relative to the sewer service area for the town of Lunenburg; and

Lunenburg,—sewer service.

By Mr. Toomey of Cambridge, petition (subject to Joint Rule 12) of Timothy J. Toomey, Jr., Anthony W. Petrucelli and others relative to authorizing the Department of Conservation and Recreation to enter into a agreement with the city of Cambridge;

Cambridge,—land.

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

Papers from the Senate.

A Bill to regulate the use of off highway recreation vehicles (Senate, No. 2257) (on Senate bill No. 2251), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Off highway vehicles.

A petition (accompanied by bill, Senate, No. 2255) of Marc R. Pacheco and Susan Williams Gifford (by vote of the town) for legislation to authorize a property tax exemption for certain small sheds and outbuildings in the town of Carver, was referred, in concurrence, to the committee on Revenue.

Carver,—tax exemption.

Reports of Committees.

Conservation land,— development.

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 a petition of Denis E. Guyer for legislation to regulate the development of land acquired for natural resource and conservation purposes. Under suspension of the rules, on motion of Mr. Kafka of Stoughton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Environment, Natural Resources and Agriculture. Sent to the Senate for concurrence.

LGBT elder inclusion.

By Ms. Wolf of Cambridge, for the committee on Elder Affairs, on House, No. 3805, a Bill addressing LGBT elder inclusion (House, No. 4461).

Distracted driving.

By Mr. Wagner of Chicopee, for the committee on Transportation, on Senate, Nos. 1906 and 1984 and House, Nos. 3152, 3160, 3259, 3316, 3354, 3361, 4015 and 4029, a Bill relative to distracted driving (House, No. 4460).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Speed limits.

By Mr. Wagner of Chicopee, for the committee on Transportation, on Senate, No. 1978 and House, Nos. 3265, 3267 and 3643, a Bill relative to speed limits (House, No. 3643).

Vehicles,— red and blue lights.

By the same member, for the same committee, on a petition, a Bill relative to red and blue flashing, rotating or oscillating lights (House, No. 3301).

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

Elizabeth Lynch,— sick leave.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Elizabeth J. Lynch, an employee of the Department of Children and Families (House, No. 4464). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Subsequently Mr. Kafka of Stoughton, for said committee, reported that the matter be placed in the Orders of the Day for the next sitting for a second reading.

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

Boverini Walkway.

The Senate Bill designating the walking path along Lynn Shore Drive at Red Rock Park in the city of Lynn as the Senator Walter J. Boverini Scenic Walkway (Senate No. 407); and

House Bills

Vehicle length.

Relative to overall vehicle length (House, No. 3790);

Fall River,— Gagne bridge.

Designating a certain bridge in the city of Fall River as the Louis Phillip Gagne Jr. bridge (House, No. 4274); and

Dangerousness hearings.

Making gun law violations subject to dangerousness hearing determinations (House, No. 4428);

Severally placed in the Orders of the Day for the next sitting for a second reading.

Emergency Measure.

The engrossed Bill relative to vocational education (see Senate, No. 253, 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. Vocational education.

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

Engrossed Bills.

Engrossed bills

Naming a certain bridge in the city of Malden as the Joseph E. Croken Memorial Bridge (see House, No. 3210); and Bills enacted.

Relative to the collection of unpaid municipal fines (see House, No. 3588);

(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 Thursday next at eleven o'clock A.M. Next sitting.

At eighteen minutes after eleven o'clock A.M., on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Thursday at eleven o'clock A.M.

Thursday, February 4, 2010.

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

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

Prayer.

God, Our Creator, in Whom we place our trust and hope, we begin this formal legislative session with our hearts and minds focused on You. We believe that we live each moment of the day in Your presence and Your assistance and guidance are always available to us. As we carry out our daily routine and responsibilities, inspire us to make right and reasoned decisions and choices so that we do our part in building a stable, peaceful and ethical society in which the dignity of each individual is recognized and respected. In these uncertain times, free us from all forms of prejudice and anger so that we are able to dialogue with others on all issues in a patient, intelligent, civil and fair-minded manner. May the common good remain a common goal and concern for all of us who are interested in the future of the Commonwealth.

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.

Message from the Governor.

Lynnfield,—validate acts.

A message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the actions taken at the May 18, 2009, special town meeting held by the town of Lynnfield (House, No. 4474), was filed this day in the office of the Clerk.

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

Statement of Representative Pedone of Worcester.

A statement of Mr. Pedone of Worcester was spread upon the records of the House, as follows:

Statement of Mr. Pedone of Worcester.

MR. SPEAKER: I would like to call to the attention of the House the fact that I am unable to be present in the House Chamber for the remainder of today's sitting due to a previously scheduled event that I must attend. If I could be present for the taking of the yeas and nays on the question on passing to be engrossed the Bill relative to safe driving, and the Bill relative to unemployment insurance, I would vote in the affirmative, in each instance. My missing of roll calls for the remainder of today's sitting will be due entirely to the reason stated.

Statement of Representative Rogers of Norwood.

A statement of Mr. Rogers of Norwood was spread upon the records of the House, as follows:

Statement of Mr. Rogers of Norwood.

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for a portion of today's sitting due to official business in another part of the State House. Had I been present for the taking of yea and nay numbers 288 and 289, I would have voted, in each instance, in the affirmative. My missing of roll calls today was due entirely to the reason stated.

Order.

House Rules,—consolidated amendments.

An Order (filed by Mr. Jones of North Reading and Speaker DeLeo of Winthrop) relative to amending the Rules of the House concerning the availability of consolidated amendments proposed by the committee on Ways and Means (House, No. 4472) was referred, under Rule 24, to the committee on Rules.

Mr. Binienda of Worcester, for said committee, then reported recommending that the order ought to be adopted.

Under suspension of the rules, on motion of Mr. Jones, the order was considered forthwith; and it was adopted.

Guests of the House.

Whittier Regional Vocational Technical High School.

During the session, Mr. Costello of Newburyport took the Chair and introduced the Whittier Regional Vocational Technical High School football team and cheerleaders, and acknowledged their achievements of completing the team's first undefeated season as well as becoming the Eastern Massachusetts Division 4 Superbowl Champions. Accompanying the team was the Assistant Principal Chris Laganas, Athletic Director/Varsity Football Coach Kevin Bradley as well as other coaches. They were the guests of Representatives Costello, Dempsey of Haverhill, Stanley of West Newbury, L'Italien of Andover and Hill of Ipswich.

Resolutions.

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

Melrose,—St. Mary School.

Resolutions (filed by Ms. Clark of Melrose) congratulating Saint Mary of the Annunciation School in Melrose on its one hundredth anniversary;

James E. Gonsorcik.

Resolutions (filed by Mr. Kujawski of Webster) congratulating James E. Gonsorcik on receiving the Eagle Award of the Boy Scouts of America;

Ida Ruth Flynn.

Resolutions (filed by Mr. Swan of Springfield) celebrating the life of Ida Ruth Flynn's noteworthy contributions to the city of Springfield; and

Cape Cod and Islands,—Boy Scouts.

Resolutions (filed by Mr. Turner of Dennis and other members of the House) congratulating the Cape Cod and Islands Council, Inc., Boy Scouts of America, on the one hundredth anniversary of the Boy Scouts of America;

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. Cabral of New Bedford, 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:

Lunenburg,—sewer service.

By Ms. Benson of Lunenburg, a petition (accompanied by bill, House, No. 4467) of Jennifer Benson and Jennifer L. Flanagan (by vote of the town) relative to the sewer service area for the town of Lunenburg.

Sharon,—land.

By Mr. Kafka of Stoughton, a petition (accompanied by bill, House, No. 4468) of Louis L. Kafka, James E. Timilty and Brian A. Joyce (by vote of the town) that the town of Sharon be authorized to exchange certain land with the Massapoag Sportsmen's Club.

Severally to the committee on Municipalities and Regional Government.

Severally sent to the Senate for concurrence.

Stoughton,—Gross intersection.

Mr. Kafka of Stoughton presented a petition (subject to Joint Rule 12) of Louis L. Kafka and William C. Galvin relative to designating a certain intersection in the town of Stoughton as the Police Chief William F. Gross and Ann M. Gross intersection; and the same was referred, under Rule 24, to the committee on Rules.

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

Petitions severally were presented and referred as follows:

Lottery,—snow and ice.

By Mr. Binienda of Worcester, petition (subject to Joint Rule 12) of John J. Binienda, John P. Fresolo and others for legislation to authorize the State Lottery Commission to establish a fund from the sale of a certain Lottery ticket to assist cities and towns for snow and ice removal;

Financial literacy pilot program.

By Mr. Driscoll of Braintree, petition (subject to Joint Rule 12) of Joseph R. Driscoll, Jr., Viriato Manuel deMacedo and others for legislation to establish a financial literacy pilot program within the Department of Education for certain high school seniors;

Canine officers.

By Mr. Falzone of Saugus (by request), petition (subject to Joint Rule 12) of Jospeh Capistran that police officers employed as canine officers shall not be subject to by-laws or ordinances of cities and towns regulating the keeping of dogs;

"Sales price", etc.,—sales tax.

By Mr. Galvin of Canton (by request), petition (subject to Joint Rule 12) of Steven Drobnis, relative to the definition of "sales price" and returns to purchasers by vendors under the sales and use tax law;

Mayors,—General Court membership.

By Mr. Golden of Lowell, a petition (subject to Joint Rule 12) of Thomas A. Golden, Jr., David M. Nangle and others that chief executive officers of cities and towns be prohibited from serving as a Senator or Representative in the General Court;

By Mr. Kocot of Northampton, a petition (subject to Joint Rule 12) of Peter V. Kocot for legislation to exempt the payment of excise taxes on the sale of motor vehicles under the "Lemon Law", so-called; and

Lemon law,— excise taxes.

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

Paper from the Senate.

The House Bill relative to the Wareham Fire District (House, No. 1976) 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 2239.

Wareham Fire District.

Under suspension of Rule 35, on motion of Ms. Gifford of Wareham, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn, as changed) was considered forthwith; and it was adopted, in concurrence.

A petition of Jennifer Benson relative to establishing a public health Lyme disease research institute at the University of Massachusetts Medical School, came from the Senate with the endorsement that said branch had insisted on its reference to the committee on Higher Education. On motion of Mr. Sánchez of Boston, the House then receded from its non-concurrence with the Senate; and the petition (accompanied by bill, House, No. 4471) was referred, in concurrence to the committee on Higher Education.

Lyme disease research institute.

The Senate Bill relative to certain affordable housing in the city of Boston (Senate, No. 2237) (on a petition) [Local Approval Received], passed to be engrossed by the Senate was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Boston,— affordable housing.

Reports of Committees.

By Mr. Binienda of Worcester, for the committee on Rules, that Joint Rule 7B be suspended on the petition of David L. Flynn and Marc R. Pacheco (by vote of the town) for legislation to establish a development revolving fund in the town of Raynham. Under suspension of the rules, on motion of Mr. Flynn of Bridgewater, the report was considered forthwith. Joint Rule 7B was suspended; and the petition (accompanied by bill) was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Raynham,— revolving fund.

By Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rules 12 and 9 be suspended on the petition of Robert P. Spellane relative to the investment powers of the Massachusetts Credit Union Share Insurance Corporation. Under suspension of the rules, on motion of Mr. Spellane of Worcester, the report was considered forthwith. Joint Rules 12 and 9 were suspended; and the petition (accompanied by bill) was referred to the committee on Financial Services. Sent to the Senate for concurrence.

Credit Union Share Insurance Corporation.

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 following petitions:

Sentencing,— guilty except insane.

Petition (accompanied by bill) of Lewis G. Evangelidis, Jennifer L. Flanagan and others for legislation to further regulate the sentencing of persons found "guilty except insane" of murder in the courts of the Commonwealth. To the committee on the Judiciary.

Cambridge,— land.

Petition (accompanied by bill) of Timothy J. Toomey, Jr., Anthony W. Petruccelli and others relative to authorizing the Department of Conservation and Recreation to enter into an agreement with the city of Cambridge. To the committee on Environment, Natural Resources and Agriculture.

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

Seniors,— safety zones.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill authorizing the establishment of senior citizens safety zones (House, No. 543),— and recommending that the same be referred to the committee on Municipalities and Regional Government.

Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Wareham Library,— certification.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to Wareham Library certification (Senate, No. 2163) 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 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.

Attorney General,— actions involving pilots.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the House Bill relative to representation by the Attorney General in actions involving pilots (House, No. 3676) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4469). 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 amendment pending.

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

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

Emergency Measure.

Tree Borden,— sick leave bank.

The engrossed Bill establishing a sick leave bank for Tree Borden, an employee of the Norfolk District Attorney's Office (see House, No. 4400), having been certified by the Clerk to be rightly and truly

prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 4 to 0. Sent to the Senate for concurrence.

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

Engrossed Bills.

Engrossed bills

Authorizing Berkshire Community College to lease certain land to the Pittsfield Young Men's Christian Association (see Senate, No. 2114, amended); Bills enacted.

Relative to harassment prevention orders (see Senate, No. 2212, amended);

(Which severally originated in the Senate); and

Authorizing the town of Spencer to grant tax abatements to certain military personnel (see House, No. 1134) (which 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.

Orders of the Day.

The Senate Bill authorizing the board of assessors of the city of Quincy to grant tax abatements to certain military personnel (Senate, No. 1302), 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. Third reading bill.

House Bills

Relative to amending the responsibilities of the Nantucket Planning and Economic Development Commission (House, No. 1122) (its title having been changed by the committee on Bills in the Third Reading); Third reading bills.

Relative to the appointment of special police officers in the town of Dracut (House, No. 1143);

Establishing a board of health in the town of Nantucket (House, No. 1895) (its title having been changed by the committee on Bills in the Third Reading);

Authorizing the lease of certain agricultural land in the town of Westford (House, No. 4193) (its title having been changed by the committee on Bills in the Third Reading); and

Requiring engine coolant and antifreeze to contain a bittering agent so as to rend it unpalatable (House, No. 4285) (its title having been changed by the committee on Bills in the Third Reading);

Severally having been reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Third reading bill amended.

The House Bill amending the charter of the town of Millis for the purpose of establishing an appointed board of assessors (House, No. 4216), was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be amended by substitution of a Bill amending the charter of the town of Millis to establish an appointed board of assessors (House, No. 4473) which was read.

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

Second reading bill engrossed.

The House Bill establishing a sick leave bank for Elizabeth J. Lynch, an employee of the Department of Children and Families (House, No. 4464) was read a second time; and it was ordered to a third reading.

Subsequently, the noon recess having terminated, under suspension of the rules, on motion of Ms. Gobi of Spencer, 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.

Second reading bills.

The Senate Bill designating the walking path along Lynn Shore Drive at Red Rock Park in the city of Lynn as the Senator Walter J. Boverini Scenic Walkway (Senate No. 407); and

House Bills

Relative to overall vehicle length (House, No. 3790); and

Designating a certain bridge in the city of Fall River as the Louis Phillip Gagne Jr. bridge (House, No. 4274);

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

Fore River port area.

The House Bill relative to the boundaries of the Fore River designated port area (House, No. 4360, changed), 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 inserting before the enacting clause the following emergency preamble:

"*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is forthwith to eliminate a parcel of land in the city of Quincy and the town of Braintree as a designated port area, 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. 4360, changed and amended) was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

Recess.

At eight minutes after twelve o'clock noon, on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at twenty minutes after one o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Quorum.

Mr. deMacedo thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum. Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 149 members were recorded as being in attendance. Quorum,—yea and nay No. 286.

[See Yea and Nay No. 286 in Supplement.]

Therefore a quorum was present.

Subsequently a statement of Ms. Fox of Boston was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was not recorded on the previous roll call due to being on official business in another part of the State House. Statement of Ms. Fox of Boston.

Subsequently a statement of Ms. Provost of Somerville was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was not recorded on the previous roll call due to being on official business in another part of the State House. Statement of Ms. Provost of Somerville.

Reports of Committees.

By Mr. Murphy of Burlington, for the committee on Ways and Means, on a part of the House Bill relative to safe driving (House, No. 4238) and a part of the House Bill relative to distracted driving (House, No. 4460), a Bill relative to safe driving (House, No. 4466). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Safe driving.

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

Under suspension of the rules, on motion of Mr. Costello of Newburyport, 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 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.

After debate on the question on passing the bill to be engrossed, Mr. Kaufman of Lexington moved to amend it in line 129 by inserting after the following: "Section 13B. (a)" the following sentence: "No operator of a motor vehicle shall use a mobile electronic device or a mobile telephone, unless said telephone is a hands-free mobile telephone.".

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Ms. Balser of Newton; and on the roll call 92 members voted in the affirmative and 66 in the negative. Amendment adopted,—yea and nay No. 287.

[See Yea and Nay No. 287 in Supplement.]

Therefore the amendment was adopted.

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

Statement of Mr. Atsalis of Barnstable.

MR. SPEAKER: I would like to call to the attention of the House the fact that it was my intention to vote in the affirmative on the previous vote, but I inadvertently voted in the negative.

Mr. Fallon of Malden then moved to amend the bill in line 56, after the word "entity." by inserting the following sentence: "A junior operator who has been found guilty of violating any speeding laws and or regulations twice in any twelve month period, shall lose their license for a period of one year after the date of the second speeding offense."; and the amendment was rejected.

Mr. Fernandes of Milford and other members of the House then moved to amend the bill in lines 40 and 41 by striking out the following: "60 days for a first offense, for 180 days for a second offense, and for 1 year for a third or subsequent offense" and inserting in place thereof the following: "7 days for a first offense, for 30 days for a second offense, and for 90 days, for a third or subsequent offense.".

After remarks the amendment was adopted.

Mr. Fernandes and other members of the House then moved to amend the bill in line 46 by inserting after the word "completes" the words "or enrolls in a program to complete".

After remarks the amendment was adopted.

Mr. Fernandes of Milford and other members of the House then moved to amend the bill in line 41 by striking out the figures "$500" and inserting in place thereof the figures "$100" and, in said line, by inserting after the word "fee" the following: "for a first offense, and $500 for a second or subsequent offense".

The amendments were adopted.

Mr. Fernandes and other members of the House then moved to amend the bill in line 56 by inserting after the word "entity" the words "or parent, or guardian"; and the amendment was adopted.

Representatives Peake of Provincetown and Bowles of Attleboro then moved to amend the bill by striking out section 5; and after remarks the amendment was rejected.

Mr. Donato of Medford being in the Chair,—

Ms. Peisch of Wellesley and other members of the House moved to amend the bill in line 131 by inserting after the word "vehicle" the words "; provided, however, that this section shall not apply to the operator of a public safety vehicle utilizing a mobile telephone, hands-free mobile telephone or other mobile electronic device in the performance of his official duties."

After remarks the amendment was adopted.

Mr. Petrolati of Ludlow being in the Chair,—

Ms. Peisch and other members of the House moved to amend the bill by inserting after line 98 the following paragraph:

"(g) Whenever an applicant for a license or renewal thereof is required to appear in person at a registry branch, he or she shall present a statement from a licensed health care provider on a form prescribed or provided by the registrar. Such statement shall indicate that the health care provider has examined the applicant and has found no cognitive or functional impairment that would affect that person's ability to safely operate a motor vehicle.".

The amendment was rejected.

Ms. Balser of Newton then moved to amend the bill in line 71 by inserting after the word "physician" the word ", psychologist"; and the amendment was adopted.

Representatives Wolf of Cambridge and Scaccia of Boston then moved to amend the bill in line 59 by striking out the following: "75 years of age or older".

After remarks the amendment was rejected.

Mr. Cabral of New Bedford then moved to amend the bill in lines 58, 59 and 60 by striking out the following sentence: "An applicant for the renewal of a license 75 years of age or older shall apply for renewal in person at a registry branch office." and inserting in place thereof the following sentence: "An applicant for the renewal of a license shall apply for a renewal in person at a registry branch office for at least every other required renewal.".

The amendment was rejected.

Mr. Donato of Medford being in the Chair,—

Representatives Lewis of Winchester and Clark of Melrose moved to amend the bill by adding the following section:

"SECTION 14. The second paragraph of subsection (f) of section 13A of Chapter 90 of the General Laws, is hereby amended by striking out the last sentence beginning at 'The provisions' and ending at 'offense' and inserting in place thereof the following sentence:— The provisions of this section shall be enforced upon observation by law enforcement agencies.".

The amendment was rejected.

Representatives Peisch of Wellesley and Dykema of Holliston then moved to amend the bill in line 75 by striking out the word "may" and inserting in place thereof the word "shall". The amendment was rejected.

Mr. Golden of Lowell then moved to amend the bill in line 65 by inserting after the word "certificate" the words ", signed by an optometrist or ophthalmologist,".

The amendment was adopted.

Ms. Provost of Somerville then moved to amend the bill in lines 35 and 36 by striking out the words "on any public way"; and the amendment was adopted.

The same member then moved to amend the bill in line 101 by striking out the words "in public transportation" and inserting in place thereof the words "while transporting passengers for a fee or for hire", in line 102 by inserting after the word "bus," the words "passenger van, car, taxi or paratransit vehicle", in line 106 by inserting after the word "or" (the first time it appears) the word "by" and, in said line, by striking out the word "or" (the second time it appears) and inserting in place thereof the words ", nor an operator of".

The amendments were adopted.

Mr. Fernandes of Milford and other members of the House then moved to amend the bill in lines 114 to 118, inclusive, by striking out the paragraph contained therein; and the amendment was adopted.

Mr. Fernandes and other members of the House then moved to amend the bill in lines 138 to 142, inclusive, by striking out the paragraph contained therein; and the amendment was adopted.

Safe driving.

Messrs. Linksy of Natick and Fernandes of Milford then moved to amend the bill by striking out section 11 and inserting in place thereof the following section:

"SECTION 11. Section 24 of chapter 90, as so appearing, is hereby amended by inserting after words 'motor vehicle', in line 730, the following words:— or whoever while operating a motor vehicle in violation of section 12A or section 13B, such violation proved beyond a reasonable doubt, is the proximate cause of injury to any other person, vehicle or property by operating said motor vehicle negligently so that the lives or safety of the public might be endangered.".

The amendment was adopted.

Representatives Frost of Auburn and Spiliotis of Peabody then moved to amend the bill[A] in lines 111, 112 and 113 by striking out the paragraph contained therein, and in lines 135, 136 and 137 by striking out the sentence contained therein.

Pending the question on adoption of the amendments, Mr. Wagner of Chicopee moved that they be amended by striking out the text contained therein [at "A"] and inserting in place thereof the following:— in line 136 by striking out the word "shall" and inserting in place thereof the word "may".

After debate the further amendment was adopted, thus precluding a vote on the pending amendments.

Bill passed to be engrossed,— yea and nay No. 288.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays at the request of Mr. Wagner of Chicopee; and on the roll call 146 members voted in the affirmative and 9 in the negative.

[See Yea and Nay No. 288 in Supplement.]

Therefore the bill (House, No. 4475, published as amended) was passed to be engrossed. Sent to the Senate for concurrence.

Unemployment insurance rates.

Mr. Murphy of Burlington, for the committee on Ways and Means, on the Bill relative to unemployment insurance rates (House, No. 1846, changed), reported, in part, a bill with the same title (House, No. 4470). Read; and 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 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. Murphy of Burlington, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

Bill passed to be engrossed,— yea and nay No. 289.

After debate on the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 152 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 289 in Supplement.]

Therefore the bill (House, No. 4470) was passed to be engrossed. Sent to the Senate for concurrence.

Engrossed Bill.

The engrossed Bill authorizing the board of assessors of the city of Quincy to grant tax abatements to certain military personnel (see Senate, No. 1302) (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. Bill enacted.

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.

Accordingly, with further consideration of the remaining matters in the Orders of the Day, at six minutes after six 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.

Monday, February 8, 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.

Gracious God, we begin this new week and today's legislative session with a moment of personal reflection and a prayer for Your guidance and the gift of wisdom. In Your goodness, help us to have the intention of serving You, constituents and our families in a faithful, generous and honorable manner. In these uneasy times, inspire us to live up to our traditional principles and spiritual values in dealing with others and as we address the matters on each day's agenda. May our hearts and minds be filled with peace, enthusiasm and happiness as we try to build confidence in our institutions, government and our constituents. Help us to be open to and aware of the everyday concerns of the people in our districts in these turbulent political and economic times. May the bravery, courage and the vision of the founders of this nation be in our minds at all times as we confront our challenges.

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

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.

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

Harvard,— wastewater district.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill relative to a wastewater management district in the town of Harvard [see House, No. 4407, amended] (for message, see House, No. 4486) was filed in the office of the Clerk on Friday, February 5.

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

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

Resolutions.

Police Chief Fran Hart.

Resolutions (filed with the Clerk by Mr. Murphy of Burlington) congratulating Police Chief Fran Hart on the occasion of his retirement, were referred, under Rule 85, to the committee on Rules.

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

Semi-Annual Report.

The semi-annual report of the Insurance Fraud Bureau (pursuant to Section 1 (k) of Chapter 338 of the Acts of 1990) containing a spending and management plan for said office, was placed on file. Insurance Fraud Bureau.

Petitions.

By Mr. Pignatelli of Lenox, petition (accompanied by bill, House, No. 4487) of William Smitty Pignatelli and Benjamin B. Downing (by vote of the town) that James M. McGarry be authorized to continue in service as chief of the police department of the town of Sheffield. To the committee on Public Service. Sent to the Senate for concurrence. Sheffield,—James M. McGarry.

Representative Bowles of Attleboro and Senator Timilty presented a joint petition (subject to Joint Rule 12) of Bill Bowles and James E. Timilty relative to the parental rights of service members during deployment or activation; and the same was referred, under Rule 24, to the committees on Rules. Deployed parents,—rights.

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

Mr. Dwyer of Woburn presented a petition (subject to Joint Rule 12) of James Dwyer and others relative to repeat domestic violence offenders; and the same was referred, under Rule 24, to the committees on Rules. Domestic violence.

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

Petitions severally were presented and referred as follows:

By Mr. Cantwell of Marshfield, petition (subject to Joint Rule 12) of James M. Cantwell for legislation to exempt certain family members of murder victims from jury service in the courts of the Commonwealth. Jury service,—exemption.

Data protection and privacy.

By Mr. Conroy of Wayland, petition (subject to Joint Rule 12) of Thomas P. Conroy for legislation to establish an independent office of data protection and privacy oversight and providing for the implementation of regulations by the Secretary of Public Safety.

Deposits,—surcharges.

By Mr. Costello of Newburyport, petition (subject to Joint Rule 12) of Michael A. Costello for legislation to regulate deposits with the State Treasurer of surcharges collected on prepaid wireless services under regulations promulgated by the Department of Revenue.

John "Jack" Bevelaqua,—sick leave.

By Mr. Dempsey of Haverhill, petition (subject Joint Rule 12) of Brian S. Dempsey for legislation establishing a sick leave bank for John "Jack" Bevelaqua an employee of the Department of Energy Resources.

Wage summary.

By Mr. Naughton of Clinton, petition (subject to Joint Rule 12) of Harold P. Naughton, Jr., for legislation to authorize the Patrick C. Garner Co. of the town of Northborough to adjust its gross wages summary on unemployment assistance.

Revere,—pavilions.

By Ms. Reinstein of Revere, petition (subject to Joint Rule 12) of Kathi-Anne Reinstein for legislation to designate certain pavilions in the city of Revere in memory of Peter F. McCauley III and Norman Gautreau.

Tax returns.

By Mr. Tobin of Quincy, petition (subject to Joint Rule 12) of A. Stephen Tobin relative to the granting of certain "circuit breaker" credit for married persons filing joint or individual income tax returns.

Ukrainian genocide.

By Mr. Vallee of Franklin (by request), petition (subject to Joint Rule 12) of Maria Walzer for legislation to include in the curriculum in the public schools of the Commonwealth a course of instruction on the Ukrainian Genocide Holodomor.

Boston,—public works projects.

By Mr. Walsh of Boston, petition (subject to Joint Rule 12) of Martin J. Walsh (with the approval of the mayor and city council) relative to promulgating regulations concerning public works projects in the city of Boston.

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

Paper from the Senate.

Leominster,—T&S Liquors, Inc.

The House Bill authorizing the city of Leominster to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4267, amended) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1 adding the following paragraph:

"Upon issuance of the license authorized in this act, T&S Liquors, Inc. shall return to the licensing authority the license it currently holds for the sale of wines and malt beverages not to be drunk on the premises.".

Under suspension of Rule 35, on motion of Mr. Rosa of Leominster, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Reports of Committees.

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 following petitions:

Petition (accompanied by bill) of Elizabeth Poirier and others that county commissioners and the sheriffs for the various counties institute a schedule of fees and assess fees to inmates in their custody. To the committee on the Judiciary. Inmates,— fees.

Petition (accompanied by bill) of Garrett J. Bradley that the Department of Revenue be directed to reimburse cities and towns the proceeds collected from the excise tax imposed on satellite subscriptions. To the committee on Revenue. Satellite subscriptions,— excise tax.

Under suspension of the rules, on motion of Mr. Galvin of Canton, the reports were considered forthwith. Joint Rule 12 was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Sánchez of Boston, for the committee on Public Health, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3828) of Karyn E. Polito, John P. Fresolo and others relative to a medical emergency response plan for schools,— and recommending that the same be referred to the committee on Education. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence. Schools,— response plans.

By Mr. Koutoujian of Waltham, for the committee on Financial Services, on a petition, a Bill relative to the Health Insurance Connector Authority (House, No. 975). Health Connector.

By the same member, for the same committee, on House, Nos. 862 and 1048, a Bill increasing the mandatory minimum bodily injury insurance requirements for commercial vehicles (House, No. 1048). Commercial vehicles,— insurance.

By the same member, for the same committee, on House, Nos. 919 and 920, a Bill relative to further regulating the business of insurance in the Commonwealth by protecting insureds' rights to receive benefits for ambulance services and by restricting the ability of ambulance services to balance bill for services rendered (House, No. 4477). Ambulance services.

By Mr. Sánchez of Boston, for the committee on Public Health, on a petition, a Bill to improve asthma management (House, No. 1028). Asthma management.

By the same member, for the same committee, on a petition, a Bill relative to medication technicians (House, No. 2041). Medication technicians.

By the same member, for the same committee, on Senate, No. 875 and House, No. 2044, a Bill relative to the registration of podiatrists (House, No. 2044). Podiatrists.

By the same member, for the same committee, on House, Nos. 1116, 2089, 2115, 2182, and 3599, a Bill relative to the enhancement of the prescription monitoring program (House No. 4478). Prescription monitoring.

By the same member, for the same committee, on Senate, No. 855 and House, Nos. 2070, 2073, 2087, 2090, 2154, 2155, 2156, and 2173, a Bill relative to prescription drug waste (House, No. 4479). Prescription,— drug waste.

By the same member, for the same committee, on House Nos. 1148 and 3592, a Resolve relative to Lyme disease and associated co-infections (House No. 4480). Lyme disease.

By the same member, for the same committee, on Senate, No. 816 and House, No. 2161, a Bill to require environmentally safe alternatives to harmful cleaning products (House, No. 4481). Cleaning products.

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

Security,—name changes.

By Mr. Sánchez of Boston, for the committee on Public Health, on a petition, a Bill relative to security of name changes and requests (House, No. 2034).

Vital records.

By the same member, for the same committee, on Senate, Nos. 818, 820 and 822 and House, Nos. 2064, 2124, 2133 and 2134, a Bill relative to the security of vital records and verification of identity (House, No. 2064).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Automobile insurance.

By Mr. Koutoujian of Waltham, for the committee on Financial Services, on Senate, Nos. 490, 491 and House, Nos. 953, 958 and 961, a Bill relative to exemptions in the Massachusetts automobile insurance plan (House, No. 4476). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Senate Bills

Charlemont,—town clerk.

Establishing the position of town clerk in the town of Charlemont (Senate, No. 2130, amended) [Local Approval Received];

Boston,—housing.

Relative to certain affordable housing in the city of Boston (Senate, No. 2237) [Local Approval Received]; and

House Bills

Care providers.

Relative to assault and battery on health care providers (House, No. 1696);

Southwick zoo.

Authorizing Southwick's Zoo to install certain sign (House, No. 3213);

Oscillating lights.

Relative to red and blue flashing, rotating or oscillating lights (House, No. 3301);

Norwood,—Veterans' Post.

Authorizing the town of Norwood to acquire the Norwood Post VFW #2452 building for the ability to lease it to veterans' organizations (House, No. 4383) [Local Approval Received]; and

Arlington,—liquor licenses.

Providing for a ballot question in the town of Arlington authorizing the granting of 3 licenses for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4403) [Local Approval Received];

Severally placed in the Orders of the Day for the next sitting for a second reading.

Engrossed Bill.

Bill enacted.

The engrossed Bill relative to the Wareham Fire District (see House, No. 1976, amended) (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.

Orders of the Day.

Third reading bill.

The House Bill relative to the membership of the conservation commission of the town of Stockbridge (House, No. 4191), 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.

Recess.

At twenty-three minutes after eleven o'clock A.M., on motion of Mr. Kafka of Stoughton (Mr. Donato of Medford being in the Chair) the House recessed until the hour of one o'clock P.M.; and at nine minutes before two o'clock, the House was called to order with Mr. Donato in the Chair. Recess.

Paper from the Senate.

A petition of Therese Murray and Karen E. Spilka for legislation relative to economic development throughout the Commonwealth, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Economic Development and Emerging Technologies. The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2270) was referred, in concurrence, to the committee on Economic Development and Emerging Technologies. Economic development.

Order.

On motion of Mr. DeLeo of Winthrop,—

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

At seven minutes before two 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 Wednesday at eleven o'clock A.M.

Wednesday, February 10, 2010.

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.

Message from the Governor.

Obscene material,—modern transmissions.

A message from His Excellency the Governor recommending legislation relative to obscene material (House, No. 4489) was filed in the office of the Clerk on the previous day.

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

Papers from the Senate.

Bills

Optometric care.

Further regulating the practice of optometry (Senate, No. 1756) (on a petition);

Greenfield,—liquor license.

Authorizing the town of Greenfield to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2258) (on Senate, No. 2165) [Local Approval Received];

Id.

Authorizing the town of Greenfield to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2259) (on Senate, No. 2167) [Local Approval Received];

Juror service.

Further regulating juror service certificates (Senate, No. 2264) (on Senate, No. 1648); and

Id.

To improve juror service responses (Senate, No. 2265) (on Senate, No. 1649);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling

Somerville,—deputy police chief.

A petition (accompanied by bill, Senate, No. 2263) of Patricia D. Jehlen, Timothy J. Toomey, Jr., John M. Connolly and other members of the General Court (with the approval of the mayor and city council) for legislation exempting the position of Deputy Chief of Police in the city of Somerville from the provisions of civil service law, was referred, in concurrence, to the committee on Public Service.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Candace Cabey,—sick leave.

Petition (accompanied by bill, Senate, No. 2273) of Gale D. Candaras for legislation to establish a sick leave bank for Candace Cabey, an employee of the Trial Court. To the committee on the Judiciary.

Petition (accompanied by bill, Senate, No. 2271) of Stephen M. Brewer, Michael F. Kane, Angelo J. Puppolo, Jr., Lori Ehrlich and other members of the General Court for legislation relative to oral cancer therapy. To the committee on Public Health. Oral cancer therapy.

Petition (accompanied by bill, Senate, No. 2269) of Gale D. Candaras for legislation to establish a sick leave bank for Christine Frangakis, an employee of the Department of Public Health. Christine Frangakis,— sick leave.

Petition (accompanied by bill, Senate, No. 2272) of Gale D. Candaras for legislation to establish a sick leave bank for Ivette Torres, an employee of the Department of Health and Human Services. Ivette Torres,— sick leave.

Severally to the committee on Public Service.

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 following petitions:

Petition (accompanied by bill) of Michael A. Costello for legislation to regulate deposits with the State Treasurer of surcharges collected on prepaid wireless services under regulations promulgated by the Department of Revenue. Prepaid wireless services.

Joint petition (accompanied by bill) of Dennis Rosa, Jennifer L. Flanagan and others relative to real estate tax exemptions of certain veterans. Veterans,— tax exemptions.

Severally to the committee on Revenue.

Under suspension of the rules, on motion of Mr. Fagan of Taunton, the reports were considered forthwith. Joint Rule 12 was suspended, in each instance. Severally sent to the Senate for concurrence.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 180) of Angelo M. Scaccia and William F. Galvin concerning the public records law,— and recommending that the same be referred to the committee on State Administration and Regulatory Oversight. Public records.

Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on a petition, a Bill to support the availability of residential care facilities as an affordable option for elders and persons with disabilities (House, No. 170). Residential care facilities.

By Mr. Sánchez of Boston, for the committee on Public Health, on a petition, a Bill relative to increasing the efficiency and effectiveness of the board of allied health professionals (House, No. 2079). Allied health boards.

By the same member, for the same committee, on a petition, a Bill relative to mutual aid for local public health (House, No. 2104). Public health,— mutual aid.

By the same member, for the same committee, on a petition, a Bill relative to healthy cosmetics (House, No. 2108). Healthy cosmetics.

By the same member, for the same committee, on a petition, a Bill relative to the notification of mammographic examinations (House, No. 2119). Mammographies.

Particulate matter.

By the same member, for the same committee, on a petition, a Bill relative to reporting on health effects of particulate matter (House, No. 2140).

Pain management,—training.

By the same member, for the same committee, House, Nos. 2038, 2078 and 3479, a Bill requiring pain management and prescription drug abuse training for prescribing medical and healthcare providers (House, No. 3479).

Alzheimer's commission.

By the same member, for the same committee, on a petition, a Bill establishing the Alzheimer's State Plan Commission (House, No. 3923).

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

Connecticut River Rowing Facility.

By Mr. Keenan of Salem, for the committee on Tourism, Arts and Cultural Development, on a petition, a Bill relative to the Connecticut River Rowing Facility (House, No. 3145). Read; and referred, Rule 17G, to the House committee on Bonding, Capital Expenditures and State Assets.

Disabled Persons Protection Commission.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on a petition, a Bill relative to the authority of the Disabled Persons Protection Commission pursuant to Chapter 19C (House, No. 144).

Developmentally disabled,—quality indicators.

By the same member, for the same committee, on House, No. 185, a Bill providing for the public disclosure of quality indicators for the developmentally disabled (House, No. 4488).

Stop work orders.

By Ms. Coakley-Rivera of Springfield, for the committee on Labor and Workforce Development, on House, Nos. 16 and 17, a Bill relative to strengthening the enforcement of stop work orders under the workers' compensation statute (House, No. 17).

Displaced workers.

By the same member, for the same committee, on a petition, a Bill relative to displaced workers (House, No. 1820).

Workers' compensation.

By the same member, for the same committee, on a petition, a Bill further regulating workers' compensation (House, No. 1839).

Asian Commission.

By Mr. Keenan of Salem, for the committee on Tourism, Arts and Cultural Development, on a petition, a Bill relative to the appointment of members to the Asian Commission (House, No. 3140).

Springfield,—black heritage museum.

By the same member, for the same committee, on a petition, a Bill to authorize the acquisition of land, the development and construction of an underground railroad, civil rights and black heritage museum and cultural center in Springfield (House, No. 3149).

Cultural Council.

By the same member, for the same committee, on a petition, a Bill relative to Massachusetts Cultural Council funding (House, No. 3150).

Brookwood Barn.

By the same member, for the same committee, on a petition, a Bill making an appropriation for the fiscal year 2010 to provide for funding of the Brookwood Barn and House (House, No. 3783).

Library loan fund.

By the same member, for the same committee, on a petition, a Bill establishing a municipal library facilities loan fund (House, No. 3784).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on a petition, a Bill relative to the disclosure of information held by the Disabled Persons Protection Commission pursuant to General Laws Chapter 19C (House, No. 142). Disabled Persons Protection Commission.

By Ms. Coakley-Rivera of Springfield, for the committee on Labor and Workforce Development, on a petition, a Bill opposing unnecessary language restrictions in the workplace (House, No. 1851). Workplace language.

By Mr. Keenan of Salem, for the committee on Tourism, Arts and Cultural Development, on a petition, a Bill promoting traditions and diversity of all citizens of the Commonwealth (House, No. 3141) Diversity,—promote.

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

Engrossed Bills.

Engrossed bills

Prohibiting certain dumping in the city of Brockton (see House, No. 4190); and Bills enacted.

Authorizing the city of Leominster to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 4267, 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.

Orders of the Day.

The House Bill relative to the transportation of telephone poles (House, No. 3790) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence. Third reading bill.

Order.

On motion of Mr. DeLeo of Winthrop,—

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

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at eleven minutes after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.

Thursday, February 11, 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.

Eternal God, upon Whom we depend for our daily material and spiritual needs, we take a couple of moments at the beginning of today's session to turn our attention to You, Our Creator. We pray for Your gifts of knowledge and wisdom which enable us to understand legislative issues more clearly and to make prudent decisions. This weekend, we celebrate a national holiday, Presidents' Day, on which we honor our former presidents. On Monday, we recognize in a special manner Presidents Washington and Lincoln. These two noble men, who in their time of crisis and chaos, offered their lives to win and to keep our independence and freedom as a nation. May we as a society continue to recognize and to imitate their courage, moral integrity, the steadfastness of spirit, lofty ideals and the dedication to the dignity and rights of all.

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

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.

Message from the Governor.

Small businesses,—job creation.

A message from His Excellency the Governor recommending legislation relative to providing for job creation by small businesses (House, No. 4490) was filed in the office of the Clerk on the previous day.

The message was read; and it was referred, under Rule 30, as follows:

So much as relates to sections 53 to 62, inclusive, to the committee on Community Development and Small Businesses;

So much as relates to sections 4 to 23, inclusive, to the committee on Economic Development and Emerging Technologies;

So much as relates to sections 24 to 31, inclusive, to the committee on Health Care Financing;

So much as relates to sections 32 to 52, inclusive, to the committee on Labor and Workforce Development;

So much as relates to section 3 to the committee on Revenue; and

So much as relates to sections 1 and 2A to the committee on State Administration and Regulatory Oversight.

Sent to the Senate for concurrence.

Resolutions.

Resolutions (filed with the Clerk by Ms. Polito of Shrewsbury) congratulating the members of the Saint Casimir's Lithuanian Church on their celebration of the ninety-second anniversary of Lithuanian Independence Day, were referred, under Rule 85, to the committee on Rules:

Saint Casimir's Lithuanian Church.

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

Paper from the Senate.

A Bill establishing a sick leave bank for Lila Kate Smith, an employee of the Department of Developmental Services (Senate, No. 2243) (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.

Lila Kate Smith,— sick leave.

Reports of Committees.

By Mr. Honan of Boston, for the committee on Housing, on a petition, a Bill relative to the Department of Housing and Community Development (House, No. 1217).

Housing production report.

By the same member, for the same committee, on a petition, a Bill establishing an advisory commission on condominiums (House, No. 1239).

Condominium commission.

By the same member, for the same committee, on a petition, a Bill excluding payments for foster care in computing rent and determining eligibility for subsidized housing (House, No. 3576).

Subsidized housing eligibility.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to the enhanced disposition of surplus motor vehicles owned by the Commonwealth or authorities established by the state (House, No. 1966).

Surplus vehicles,— disposition.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Honan of Boston, for the committee on Housing, on a petition, a Bill providing for nonsmoking units in elderly housing (House, No. 1181).

Elderly housing,— smoking.

By the same member, for the same committee, on a petition, a Bill relative to the determination of condominium common area interest (House, No. 1235).

Condominium,— common areas.

By the same member, for the same committee, on a petition, a Bill creating smoke free elderly housing units in the Commonwealth (House, No. 1243).

Elderly housing,— smoking.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill authorizing the town of Cohasset to use a certain parcel of water supply land for general municipal purposes (House, No. 1132) [Local Approval Received].

Cohasset,— land.

Municipalities,—ADA compliance.

By the same member, for the same committee, on a petition, a Bill relative to providing funds for ADA compliance in cities and town (House, No. 1965).

Security posting.

By the same member, for the same committee, on a petition, a Bill requiring the posting of security for the seizure and impoundment of animals (House, No. 1969, changed in line 1 by striking out the word "adding" and inserting in place thereof the following: "striking out section 104 and inserting in place thereof", and in line 41 by striking out the word "may" and inserting in place thereof the word "shall").

At-risk dogs.

By the same member, for the same committee, on a petition, a Bill relative to at risk dogs (House, No. 1977).

Dennis,—borrowing.

By the same member, for the same committee, on a petition, a Bill authorizing the treasurer of the town of Dennis to borrow in anticipation of reimbursement from betterments assessed (House, No. 4244) [Local Approval Received].

Brewster,—water commission.

By the same member, for the same committee, on a petition, a Bill relative to the Brewster Board of Water Commissioners (House, No. 4279) [Local Approval Received].

Groton,—revenues.

By the same member, for the same committee, on a petition, a Bill authorizing the use of revenues from the Groton Sewer Enterprise Fund (House, No. 4354) [Local Approval Received].

Groton,—charter.

By the same member, for the same committee, on a petition, a Bill to amend the charter for the town of Groton (House, No. 4355) [Local Approval Received].

Westport,—lease.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Westport to lease a portion of the Westport Town Farm to the Trustees of Reservations (House, No. 4368) [Local Approval Received].

West Boylston,—building fund.

By the same member, for the same committee, on a petition, a Bill authorizing the town of West Boylston to establish a municipal building fund and a municipal building committee (House, No. 4390) [Local Approval Received].

Freetown,—treasurer.

By the same member, for the same committee, on a petition, a Bill relative to the position of appointed treasurer-collector in the town of Freetown (House, No. 4415) [Local Approval Received].

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

Engrossed bill.

Olivia Mulhall,—sick leave.

The engrossed Bill establishing a sick leave bank for Olivia Mulhall, an employee of the Trial Court (see House, No. 4361), 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.

Orders of the Day.

The Senate Bill designating a certain bridge in the towns of Orange and Wendell as the Franklin County Purple Heart Memorial Bridge (Senate, No. 1890), 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. Third reading bill.

The House Bill relative to assault and battery on health care providers (House, No. 1696) was read a second time; and it was ordered to a third reading. Second reading bill.

The House Bill relative to insurance benefits of organ transplant recipients (House, No. 4328) was read a third time. Organ transplants.

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, Ms. Clark of Melrose moved to amend it by substitution of a Bill relative to organ and tissue donation and transplantation (House, No. 4491), which was read.

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

Order.

On motion of Mr. DeLeo of Winthrop,—

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

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

Tuesday, February 16, 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).

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.

Resignation of Representative Lantigua of Lawrence.

Mr. William Lantigua,—resignation.

The following communication, received by the Clerk from the office of the Speaker of the House on Friday, February 12, 2010, was read for the information of the House; and placed on file.

February 12, 2010.

The Honorable Robert A. DeLeo
Speaker of the House of Representatives
State House, Room 356
Boston, MA 02113

Dear Speaker DeLeo:

In all the decisions that I have made in my public life, I have tried to do what is best for the Great City of Lawrence and the Commonwealth of Massachusetts. Today is no different. Throughout the last six weeks, I have felt that it was my duty to persevere and make every effort to complete the term of office, of State Representative for the 16th Essex District, for which the people of Lawrence elected me some eight years ago.

I have been blessed to have been able to serve as an elected State Representative, as an elected member of the Democratic State Committee, and now as the elected Mayor of Lawrence.

People from near and far have communicated to me how significant it is for me to serve my community and represent them on a daily basis.

I applied for two jobs, I went through two interviews and on each Election Day the selection committee, made up of the people of Lawrence, chose me to work for them. I continue to do that work today.

In the past few days, however, it has become clear to me that I can no longer serve in the House of Representatives, advocating for the City of Lawrence, in the same manner to which I have grown accustomed over the years. My passion, my determination and my tireless work ethic on behalf of Lawrence is what you and my colleagues in the House have come to expect of me on every issue facing my city.

It has been an honor and a privilege serving as State Representative in such a historic institution, the House of Representatives, under your leadership. Your commitment and advocacy for the City of Lawrence over the years have made my city a better place.

This morning, I entered my 40th day as Mayor of Lawrence. As you know, the problems that I inherited in Lawrence are enormous, but they are problems that I am taking head on with my new administration. Many of these issues will be addressed with strong leadership, sound judgment, and a large dose of common sense. Other issues will require extraordinary measures, and in November, I requested such a measure through legislation filed by Governor Deval Patrick and by seeking the support of my colleagues in the General Court.

The people of Lawrence have asked that I serve them and I do it to the best of my ability.

Today, I submit my resignation as State Representative so that I may continue to serve the people of Lawrence to the best of my ability. At this time, "my best" means advocating from Lawrence as Mayor of Lawrence.

Thank you and I wish you and my colleagues all the best in the future.

Sincerely,

WILLIAM LANTIGUA,
Mayor,
The Great City of Lawrence.

Guests of the House.

During the session, the Chair (Mr. Donato of Medford) declared a brief recess and introduced Representative Spellane of Worcester and his family. He was joined by his mother, Bernadette, sister, Kim Schoen, his nieces Emily and Ainsley and nephews Colin and Chris, and his children Bobby, Annie and Patrick. They are here to honor and celebrate his son Michael on his 10th birthday.

Representative Robert P. Spellane and family.

Resolutions.

Resolutions (filed with the Clerk by Ms. Wolf of Cambridge and other members of the House) congratulating Colonel Marian J. McGovern on her appointment as Superintendent of the Massachusetts State Police, were referred, under Rule 85, to the committee on Rules.

Marian J. McGovern.

Mr. Binienda of Worcester, for said committee, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Spellane of Worcester, 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 Ms. Polito of Shrewsbury, a petition (accompanied by bill, House, No. 4494) of Karyn E. Polito, James B. Eldridge and others

Westborough,—liquor license.

(by vote of the town) that the town of Westborough be authorized to remove a certain restriction on a liquor license held by Mandarin Westborough, Inc. To the committee on Consumer Protection and Professional Licensure.

Brewster,—revolving fund.

By Representative Turner of Dennis and Senator O'Leary, a joint petition (accompanied by bill, House, No. 4495) of Cleon H. Turner and Robert A. O'Leary (by vote of the town) that the town of Brewster be authorized to establish a road maintenance revolving account. To the committee on Municipalities and Regional Government.

Severally sent to the Senate for concurrence.

Obscene material.

Mr. O'Flaherty of Chelsea presented a petition (subject to Joint Rule 12) of Eugene L. O'Flaherty, Martha Coakley and others relative to defining the dissemination of obscene material; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Kafka of Stoughton, 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.

Id.

Mr. Jones of North Reading presented a petition (subject to Joint Rule 12) of Bradley H. Jones, Jr., F. Jay Barrows and others relative to prohibiting the electronic transmission of harmful material to minors; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Kafka of Stoughton, 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.

Reports of Committees.

Jack Bevilaqua,—sick leave.

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 a petition of Brian S. Dempsey for legislation to establish a sick leave bank for John "Jack" Bevelaqua an employee of the Department of Energy Resources. Under suspension of the rules, on motion of Mr. Kafka of Stoughton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Lila Kate Smith,—sick leave.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill establishing a sick leave bank for Lila Kate Smith, an employee of the Department of Developmental Services (Senate, No. 2243) be scheduled for consideration by the House.

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

Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on Senate, No. 176 and House, No. 317, a Bill regulating the direct shipment of wine (House, No. 4497). Wine shipments.

By Mr. Keenan of Salem, for the committee on Tourism, Arts and Cultural Development, on House, Nos. 630, 4013 and 4014, a Bill relative to the establishment and certification of cultural and creative districts (House, No. 4493). Cultural and creative districts.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Moran of Boston, for the committee on Election Laws, on House, No. 4474, a Bill validating the actions taken at a special town meeting of the town of Lynnfield (House, No. 4498) [Local Approval Received]. Lynnfield,—elections.

By Mr. Keenan of Salem, for the committee on Tourism, Arts and Cultural Development, on a petition, a Bill regarding the fiscal authority of decertified libraries (House, No. 3782, changed in line 4 by inserting after the word "Laws" the words "the Board of Library Commissioners shall determine"). Decertified libraries.

By the same member, for the same committee, on House, No. 3142, a Bill relative to national heritage commissions and corridors in the Commonwealth (House, No. 4492). National heritage commissions.

By Mr. Wagner of Chicopee, for the committee on Transportation, on a petition, a Bill designating a certain intersection in the town of Stoughton as the Police Chief William F. Gross and Ann M. Gross intersection (House, No. 4370). Stoughton,—designation.

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

Emergency Measure.

The engrossed Bill relative to unemployment insurance rates (see House, No. 4470), 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. Unemployment insurance rates.

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.

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. Bill enacted.

Engrossed Bills.

The engrossed Bill establishing a sick leave bank for Olivia Mulhall, an employee of the Trial Court (see House, No. 4361) (which originated in the House), in respect to which the Senate had concurred Bill enacted.

in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted.

The engrossed Bill designating a certain bridge in the towns of Orange and Wendell as the Franklin County Purple Heart Memorial Bridge (see Senate, No. 1890) (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.

Orders of the Day.

Harvard,—wastewater management.

The engrossed Bill relative to a wastewater management district in the town of Harvard (see House, No. 4407, amended) which had been returned to the House by His Excellency the Governor with recommendation of amendments (for message, see House, No. 4486), was considered.

The committee on Bills in the Third Reading reported recommending that the amendments recommended by the Governor be considered in the following form:

In section 4 (as engrossed), in line 9, by striking out the word "solely"; and in section 5 (as engrossed), in line 3, by inserting after the following: "16B" the following: ", 16C, 16D". The amendments were adopted. Sent to the Senate for concurrence.

Third reading bill.

The Senate Bill relative to the certification of Wareham Library (Senate, No. 2163) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Id.

The House Bill relative to elections in the town of Wayland (House, No. 4256), 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.

Franklin,—overhead utilities.

The House Bill authorizing the town of Franklin to appropriate funds and incur debt for the purpose of removing overhead utilities and replacing the same with underground facilities (House, No. 4251) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Vallee of Franklin moved to amend it by adding the following two sections:

"SECTION 3. The provisions of sections 22A to 22I, inclusive, of chapter 166 of the General Laws shall not apply to any projects carried out by the town under this act. The town and any utility whose poles, overhead wires or associated overhead structures are to be removed and replaced by underground facilities by any project undertaken by the town pursuant to this act may enter into, and from time to time amend, an agreement pursuant to which the utility shall pay to the town in each fiscal year all or a portion of the debt service

payable in such fiscal year related to a borrowing incurred by the town hereunder for such project. Such agreement may contain any and all provisions as shall be consistent with the provisions of this section. In addition to all other rates, charges and fees it may otherwise be authorized to impose and collect, any utility which agrees to make payments to the town pursuant to this section shall impose and collect a surcharge, in each year in which it is required to make such a payment, on each customer located in the town equal in the aggregate to the amount of such payment.

SECTION 4. This act shall take effect upon its passage.".

The amendment was adopted; and the bill (House, No. 4251, amended) was passed to be engrossed. Sent to the Senate for concurrence.

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 a quarter after eleven o'clock A.M., on motion of Mr. Frost of Auburn (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.

Thursday, February 18, 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.

Gracious God, in Whom we place our trust and hope, we begin today's legislative session with a moment a personal reflection and with a prayer for guidance. In Your goodness inspire us, as elected officials, to make reasoned, not merely emotional, decisions and choices as we deal with complex and sensitive legislative and cultural issues. In our daily living help us to remain faithful to our traditional philosophical and moral principles as we reason and dialogue together in addressing current issues. In this age of worldwide violence against the innocent and helpless, may we continue in our country to respect the dignity of each person in our community. May we also continue to work together in building a peaceful, civil and ethical society in which each person has an eternal destiny.

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

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.

Resolutions.

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

Kane Patrick McManus.

Resolutions (filed by Messrs. deMacedo of Plymouth and Calter of Kingston) congratulating Kane Patrick McManus on receiving the Eagle Award of the Boy Scouts of America;

Timothy Brundrett.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Timothy Brundrett on earning the Eagle Scout Award;

Anthony Fasulo.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Anthony Fasulo on earning the Eagle Scout Award; and

Douglas L. Carnahan.

Resolutions (filed by Mr. Murphy of Weymouth) congratulating Douglas L. Carnahan on the occasion of his retirement;

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. Linsky of Natick, 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. Binienda of Worcester, a petition (subject to Joint Rule 12) of John J. Binienda, John P. Fresolo and others relative to video conference hearings in court proceedings on child or family relations. Courts,— video conferencing.

By Ms. Gobi of Spencer, a petition (subject to Joint Rule 12) of Anne M. Gobi, Todd M. Smola and others that schools be granted access to criminal record information of umpires, referees and other officials from the Criminal History Systems Board. Schools,— umpires, etc.

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

Paper from the Senate.

A report of the committee on Tourism, Arts and Cultural Development, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1872) of Thomas P. Kennedy, Christine E. Canavan, Michael D. Brady, Steven C. Panagiotakos and Peter J. Koutoujian for legislation relative to vital records,— and recommending the same be referred to the Senate committee on Ways and Means,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence, insomuch as relates to the discharge of the committee. Native American,— vital records.

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 a petition of John J. Binienda, John P. Fresolo and others for legislation to authorize the State Lottery Commission to establish a fund from the sale of a certain Lottery ticket to assist cities and towns for snow and ice removal. Under suspension of the rules, on motion of Mr. Fagan of Taunton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Consumer Protection and Professional Licensure. Sent to the Senate for concurrence. Lottery ticket,— snow and ice removal.

By Ms. Wolf of Cambridge, for the committee on Elder Affairs, on a petition, a Bill to establish an Alzheimer's state plan commission (House, No. 533). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently. Alzheimer's commission.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on a petition, a Bill establishing paid family leave (House, No. 124, changed in lines 93 and 94 by striking out the figures "2008" in each instance and inserting in place thereof the figures "2010".). Paid family leave.

By the same member, for the same committee, on a petition, a Bill relative to nursing facility reporting (House, No. 138). Nursing facility reporting.

By the same member, for the same committee, on a petition, a Bill to assess the impact of the public welfare system on the health and well being of children (House, No. 140, changed in lines 4 to 10, inclusive, by striking the sentence contained therein and inserting in place thereof the following sentence: "Said annual child health Welfare system,— health impact.

assessment statement shall be submitted to the House and Senate Ways and Means Committees, the Joint Committee on Children, Families and Persons with Disabilities, the Joint Health Care Finance Committee, and the Joint Committee on Education on April 1 of each year.”).

Emergency aid.

By the same member, for the same committee, on a petition, a Bill to protect and improve Emergency Aid to Elderly Disabled and Children (EAEDC) program (House, No. 171, changed in line 19 by striking out the word “immigrant” and inserting in place thereof the word “imminent”.).

Psychiatric relief program.

By Ms. Malia of Boston, for the committee on Mental Health and Substance Abuse, on House, Nos. 1923, 1928, 1932 and 1940, a Bill establishing a community hospital in-patient psychiatric relief program (House, No. 1940).

Court ordered hospitalizations.

By the same member, for the same committee, House, Nos. 1941 and 1942, a Bill relative to court ordered hospitalizations (House, No. 4499).

Group Insurance,— benefits.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill further regulating Group Insurance Commission benefits for state employees and retired state employees (House, No. 2350).

Retired public employees.

By the same member, for the same committee, on a petition, a Bill relative to continuation of health insurance coverage for retired public employees (House, No. 2400).

MWRA,— insurance coverage.

By the same member, for the same committee, on a petition, a Bill relative to GIC dental and vision insurance coverage for some MWRA employees (House, No. 2517).

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

Homelessness.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on a petition, a Bill to prevent homelessness among recipients of transitional assistance (House, No. 169).

Animal shelters.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to the regulation of animal shelters (House, No. 3704).

Beneficiaries.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill relative to the determination of beneficiaries (House, No. 75).

Non-profits,— retirement.

By the same member, for the same committee, on a petition, a Bill provide retirement options for nonprofit organizations (House, No. 78).

Mary R. Hayes.

By the same member, for the same committee, on a petition, a Bill relative to creditable service for Mary R. Hayes (House, No. 2525).

DCF,— retirement.

By the same member, for the same committee, on a petition, a Bill relative to the retirement benefits of certain employees of DCF (House, No. 2550).

Correction officers.

By the same member, for the same committee, on a petition, a Bill further regulating the retirement benefits of correctional officers (House, No. 2564).

Heart law.

By the same member, for the same committee, on a petition, a Bill relative to clarifying the application of the heart bill (House, No. 2602).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on a petition, a Bill relative to out of state child support (House, No. 184). Child support.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to the regulation of animal shelters (House, No. 3703). Animal shelters.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill relative to retiree life insurance (House, No. 2361). Life insurance.

By the same member, for the same committee, on a petition, a Bill relative to the promotion of a member of the fire department of the town of Framingham (House, No. 4405) [Local Approval Received]. Framingham,—fire department.

By Mr. Wagner of Chicopee, for the committee on Transportation, on a petition, a Bill designating a portion of Interstate 290 as the Michael Simonelli and Michael Gabriele Overpass (House, No. 3171). Interstate 290.

By the same member, for the same committee, on House, Nos. 3202 and 3206, a Bill relative to precautions at railroad crossings (House, No. 3206). Railroad crossings.

By the same member, for the same committee, on a petition, a Bill punishing interference with the safe operation of trains and certain other common carriers (House, No. 3226). Trains,—safe operation.

By the same member, for the same committee, on a petition, a Bill designating a bridge in the town of Clinton as the Arthur J. Mayou memorial bridge (House, No. 3280). Clinton,—Mayou bridge.

By the same member, for the same committee, on a petition, a Bill naming a certain bridge in the town of Dalton (House, No. 4325). Dalton,—bridge.

By the same member, for the same committee, on a petition, a Bill relative to naming the portion of state highway Route 140 located in the town of Upton as the George L. Wood Veterans of Foreign Wars Post #5594 and the Marshall-Leland American Legion Post #173 Roadway (House, No. 4334). Upton,—roadway.

By the same member, for the same committee, on a petition, a Bill designating a certain road in the town of Salisbury as Army Sergeant Jordan Michael Shay Memorial Drive (House, No. 4412). Salisbury,—Shay drive.

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

Orders of the Day.

The Senate Bill establishing a sick leave bank for Lila Kate Smith, an employee of the Department of Developmental Services (Senate, No. 2243), reported by the committee on Bill in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence. Third reading bill.

The House Bill designating the inpatient library at the Corrigan Mental Health Center in the city of Fall River as the Ralph A. Roberts Library (House, No. 4364) (its title having been changed by the committee on Bill in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence. Id.

Second reading bill engrossed.

The Senate Bill relative to certain affordable housing in the city of Boston (Senate, No. 2237) was read a second time; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Linsky of Natick, 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.

Emergency Measure.

Lila Kate Smith,— sick leave bank.

The establishing a sick leave bank for Lila Kate Smith, an employee of the Department of Developmental Services (see Senate, No. 2243), 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.

Engrossed Bills.

Engrossed bills

Bills enacted.

Relative to the certification of Wareham library (see Senate, No. 2163); and

Relative to certain affordable housing in the city of Boston (see Senate, No. 2237);

(Which severally originated in the Senate);

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,—

Next sitting.

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

At a twenty-eight minutes after eleven o'clock A.M., on motion of Mr. Hill of Ipswich (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.

Monday, February 22, 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, we look to You for guidance and direction as we take up and evaluate the legislative matters which come before us on this and every day. In prayer, we ask for Your assistance as we struggle to make thoughtful and moral legislative decisions in our diverse and often divided society. May the seeking of the common good be a common effort in our desire to bring about a peaceful, civil and just society. Bless our efforts to respect and protect our basic institutions which offer us strength, stability and hope in this changing world. We also pray that all elected and appointed officials receive Your gifts of knowledge and wisdom as they carry out their difficult responsibilities and utilize their great opportunities for serving people. May we continue our united efforts to make our society safe, peaceful and ethical.

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

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.

Resolutions.

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

Michael Reagan.

Resolutions (filed by Mr. Hill of Ipswich and other members of the House) commending Michael Reagan for his dedicated service to the soldiers who have given their lives in the war against terror;

Mark F. Delaney.

Resolutions (filed by Mr. Murphy of Burlington) recognizing Colonel Mark F. Delaney for his thirty-six years of outstanding and dedicated service to the Commonwealth; and

Clifford G. Gerber.

Resolutions (filed by Ms. Polito of Shrewsbury) congratulating Reverend Clifford G. Gerber on the occasion of his retirement;

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. Nyman of Hanover, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Watertown,—Boys and Girls Club.

Mr. Hecht of Watertown presented a petition (accompanied by bill, House, No. 4504) of Jonathan Hecht, Steven A. Tolman and Peter J. Koutoujian (by vote of the town council) that the city known as the

town of Watertown be authorized to lease certain land to the Watertown Boys and Girls Club; and the same was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Thomas Troy,— sick leave bank.

Mr. Driscoll of Braintree presented a petition (subject to Joint Rule 12) of Joseph R. Driscoll for legislation to establish a sick leave bank for Thomas Troy, an employee of the Department of Correction; and the same was referred, under Rule 24, to the committee on Rules.

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

Revere,— Peter F. McCauley III and Norman Gautreau.

Petition (accompanied by bill) of Kathi-Anne Reinstein for legislation to designate certain pavilions in the city of Revere in memory of Peter F. McCauley III and Norman Gautreau. To the committee on Environment, Natural Resources and Agriculture.

Video-conferencing,— court proceedings.

Petition (accompanied by bill) of John J. Binienda, John P. Fresolo and others for legislation to authorize the use of video-conferencing in certain court proceedings involving children and families. To the committee on the Judiciary.

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

Lynnfield,— special town meeting.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill validating the actions taken at a special town meeting of the town of Lynnfield (House No. 4498) 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 insurance,— eligibility.

By Mr. Spellane of Worcester, for the committee on Public Service, on Senate, No. 1143 and House, No. 2484, a Bill relative to eligibility for state group health insurance (House, No. 2484). Referred, under Joint Rule 1E, to the committee Health Care Financing.

Deceased poor persons.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on Senate, Nos. 48 and 49 and House, Nos. 122 and 128, a Bill relative to deceased poor and indigent persons (House, No. 128).

By the same member, for the same committee, on House, No. 139, a Bill removing barriers to emergency shelters (House, No. 4500). Emergency shelters.

By the same member, for the same committee, on House, No. 148, a Bill relative to the tuition of children under the control of the Department of Transitional Assistance living in family shelters (House, No. 4501). Tuition,—family shelters.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill relative to the investment of other post employment benefits trust funds established by municipalities and certain other governmental units (House, No. 2343). Municipal trust funds.

By the same member, for the same committee, on a petition, a Bill relative to David Sennott and the Public Employees Retirement Administration and Commission (House, No. 2375). David Sennott.

By the same member, for the same committee, on a petition, a Bill to include certain county employees under the heart law (House, No. 2416). County employees,—hart law.

By the same member, for the same committee, on a petition, a Bill regarding teacher retirement (House, No. 2453). Teacher retirement.

By the same member, for the same committee, on a petition, a Bill relative to the minimum pension for retirees (House, No. 2483). Pension minimums.

By the same member, for the same committee, on Senate, Nos. 1068, 1074 and 1085 and House, Nos. 2315, 2318, 2434, 2487, 2552, and 2567, a Bill relative to cost of living adjustments for retired public employees of the Commonwealth (House, No. 2487). Retirees,—cost of living.

By the same member, for the same committee, on a petition, a Bill providing for a certain payment by the teachers' retirement system (House, No. 2556). Thomas P. Johnson.

By the same member, for the same committee, on a petition, a Bill relative to the Massachusetts Academy of Math and Science at WPI (House, No. 2560). Worcester Polytechnic.

By the same member, for the same committee, on Senate, Nos. 1026 and 1075 and House, Nos. 2437, 2646 and 2657, a Bill relative to contagious diseases (House, No. 2646). Contagious diseases.

By the same member, for the same committee, on a petition, a Bill relative to reinstatement (House, No. 2655). Reinstatement.

By the same member, for the same committee, on House, No. 2506, a Bill relative to civil service, retirement, and pensions (House, No. 4505). Civil service.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill establishing the Essex County commission on the status of women (House, No. 3410) ought to pass. [Ms. Polito of Shrewsbury dissents]. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Essex County,—status of women commission.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill relative to special police officers in the town of Greenfield (House, No. 636) [Local Approval Received]. Greenfield,—special police.

By the same member, for the same committee, on a petition, a Bill relative to protecting the rights of custodial, maintenance and other nonteaching employees of school districts (House, No. 2534). Nonteaching employees.

Dukes County.

By the same member, for the same committee, on a petition, a Bill authorizing the government employers in the county of Dukes County to establish a pooled other post-employment benefits trust fund (House, No. 4105).

Brookline,—civil service.

By the same member, for the same committee, on a petition, a Bill exempting non-public safety employees from civil service (House, No. 4198) [Local Approval Received].

John Bevelaqua.

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for John "Jack" Bevelaqua, an employee of the Department of Energy Resources (House, No. 4503).

Lawrence,—financial stability.

By Mr. Murphy of Burlington, for the committee on Ways and Means, on House, No. 4421, a Bill providing for the financial stability of the city of Lawrence (House, No. 4516) [Representatives deMacedo of Plymouth and Polito of Shrewsbury dissenting].

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

Essex County,—status of women commission.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill establishing the Essex County commission on the status of women (House, No. 3410) ought to pass [Ms. Polito of Shrewsbury dissenting]. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Identification cards.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to minimum age requirement for obtaining identification cards (House, No. 3216) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4512) [Ms. Polito of Shrewsbury dissenting].

Bruce P. Michaud.

By the same member, for the same committee, that the Bill relative to designating a certain motor vehicle plate assignment (House, No. 3253) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4515) [Ms. Polito of Shrewsbury dissenting].

One thousand great places.

By the same member, for the same committee, that the Resolve to further extend the time within which the special commission established to investigate, study and designate 1,000 great places in the Commonwealth shall file its report (House, No. 4424) ought to pass with an amendment substituting therefor a resolve with the same title (House, No. 4517) [Ms. Polito of Shrewsbury dissenting].

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

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

Senate bills

Greenfield,—liquor license.

Authorizing the town of Greenfield to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2258) [Local Approval Received];

Id.

Authorizing the town of Greenfield to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2259) [Local Approval Received]; and

House bills

Authorizing the town of Cohasset to use a certain parcel of water supply land for general municipal purposes (House, No. 1132) [Local Approval Received]; Cohasset,— water supply.

Providing for nonsmoking units in elderly housing (House, No. 1181); Smoking.

Relative to the determination of condominium common area interest (House, No. 1235); Condominiums,— common areas.

Relative to the estate of homestead (House, No. 1591); Homestead.

Relative to authorizing the appointment of retired police officers as special police officers in the town of Norwood (House, No. 1917) [Local Approval Received]; Norwood,— special police.

Designating a bridge in the town of Clinton as the Arthur J. Mayou memorial Bridge (House, No. 3280); Clinton,— Mayou Bridge.

Authorizing the town of Westwood to grant three licenses for the sale of wine and malt beverages to food stores (House, No. 4089) [Local Approval Received]; Westwood,— liquor licenses.

Amending Chapter 97 of the Acts of 2007 relative to the town of Belmont other post employment benefits trust fund (House, No. 4223) [Local Approval Received]; Belmont,— trust fund.

Amending the requirements regarding the method of determination of the allocation of the number of town meeting members among precincts in the town of Shrewsbury (House, No. 4305) [Local Approval Received]; Shrewsbury,— town meeting.

Authorizing the use of revenues from the Groton sewer enterprise fund (House, No. 4354) [Local Approval Received]; Groton,— sewer fund.

Act to amend the charter for the town of Groton (House, No. 4355) [Local Approval Received]; Groton,— charter.

Designating a certain intersection in the town of Stoughton as the police chief William F. Gross and Ann M. Gross intersection (House, No. 4370); Stoughton,— Gross intersection.

Relative to the promotion of a member of the fire department of the town of Framingham (House, No. 4405) [Local Approval Received]; Framingham,— fire department.

Designating a certain road in the town of Salisbury as Army Sergeant Jordan Michael Shay Memorial Drive (House, No. 4412); Salisbury,— Shay Memorial Drive.

Severally placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Keenan of Salem, for the committee on Tourism, Arts and Cultural Development, ought NOT to pass, on the petition (accompanied by bill, House, No. 3144) of Paul K. Frost for legislation to establish a division of foreign travel and tourism within the Office of Travel and Tourism. Foreign travel and tourism.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by resolve, House, No. 3539) of James Ellis providing for the establishment of a special commission to prepare plans for the observance by the Commonwealth of the bicentennial of the historic events related to the War of 1812. War of 1812,— study.

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

Mr. Kafka of Stoughton, for said committee, reported the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting, the question, in each instance, being on acceptance.

Engrossed Bills.

Bill re-enacted.

The engrossed Bill relative to a wastewater management district in the town of Harvard (see House, No. 4407, amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted.

The engrossed Bill establishing a sick leave bank for Lila Kate Smith, an employee of the Department of Developmental Services (see Senate, No. 2243) (which originated in the Senate), in respect to which the Senate had concurred in the adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Id.

The engrossed Bill relative to the membership of the conservation commission of the town Stockbridge (see House, No. 4191) (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.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

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

At twenty 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 adjourned, to meet the following Wednesday at eleven o'clock A.M.

Wednesday, February 24, 2010.

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

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

Prayer.

Gracious God, we begin the day and the session with the intention of serving You, our constituents and families in a conscientious and honorable manner. We believe that with Your guidance we will be successful in out tasks and thus achieve our desired goals. We also believe that You and Your ways offer direction, purpose and meaning to us as we face the challenges and the issues of this day. In Your goodness, help us to encourage all people, especially our students and young people, to recognize and utilize their talents and intellectual gifts in reaching their personal potential. May we work together to build confidence in the relevance of our state and federal constitutions and in the spirit, courage and dedication of the founders of this nation. Finally, teach us to respect the personal dignity and eternal destiny of each individual.

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

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.

Message from the Governor.

Millbury,—unpaid bills.

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 authorizing the town of Millbury to pay certain unpaid bills (House, No. 4525) was filed this day in the office of the Clerk.

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

Statement Concerning Representative Alicea of Charlton.

A statement of Mr. Mariano of Quincy concerning Mr. Alicea of Charlton was spread upon the records of the House, as follows:

Statement concerning Mr. Alicea of Charlton.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Alicea of Charlton will not be present in the House Chamber for today's sitting due to a previously scheduled commitment. His missing of roll calls today will be due entirely to the reason stated.

Statement Concerning Representative Coakley-Rivera of Springfield.

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

Statement concerning Ms. Coakley-Rivera of Springfield.

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

Statement Concerning Representative Ferrante of Gloucester.

A statement of Mr. Mariano of Quincy concerning Ms. Ferrante of Gloucester was spread upon the records of the House, as follows:

Statement concerning Ms. Ferrante of Gloucester.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Ferrante of Gloucester will not be present in the House Chamber for today's sitting due official business outside of the Commonwealth. Her missing of roll calls today will be due entirely to the reason stated.

Statement Concerning Representative Garry of Dracut.

A statement of Mr. Mariano of Quincy concerning Miss Garry of Dracut was spread upon the records of the House, as follows:

Statement concerning Miss Garry of Dracut.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Garry of Dracut will not be present in the House Chamber for today's sitting due to the death of her father. Her missing of roll calls today will be due entirely to the reason stated.

Guest of the House.

Colonel Marian J. McGovern.

During the session, the Chair (Mr. Vallee of Franklin) declared a brief recess and introduced State Police Colonel Marian J. McGovern. Colonel McGovern, the first woman to lead the State Police force, was the guest of Speaker DeLeo and Representative Costello of Newburyport.

Resolutions.

Clean energy.

Resolutions (filed with the Clerk by Mr. Smizik of Brookline and other members of the House) requesting the United States Congress to adopt legislation that promotes jobs and innovative energy development, heightens national energy and economic security, positions the United States to be an international leader in the field of clean energy, and addresses the consequences of climate change without preempting states' rights to control emission and to promote renewable energy, were referred, under Rule 85, to the committee on Rules:

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

Petition.

Representative D'Amico of Seekonk and Senator Timilty presented a joint petition (accompanied by bill House, No. 4518) of Steven J. D'Amico and James E. Timilty (by vote of the town) that the town of Seekonk be authorized to convert certain seasonal licenses for the sale of all alcoholic beverages to annual all alcoholic beverage licenses; and the same was referred to the committee on Consumer Protection and Professional Licensure. Sent to the Senate for concurrence.

Seekonk,—liquor license.

Petitions severally were presented and referred as follows:

By Mr. Binienda of Worcester, a petition (subject to Joint Rule 12) of John J. Binienda that applicants for a school bus drivers license be required to complete a basic course in the instruction of first aid.

School bus drivers,—first aid.

By Representative Bradley of Hingham and Senator Hedlund, a joint petition (subject to Joint Rule 12) of Garrett J. Bradley and Robert L. Hedlund for legislation to authorize the Department of Conservation and Recreation to lease a certain parcel of land within the "shipyard" in the town of Hingham to the Massachusetts Bay Transportation Authority.

Hingham,—land.

By Mr. Bradley of Hingham (by request), a petition (subject to Joint Rule 12) of Virginia Byrnes that in-house medical consultants employed by the Massachusetts Rehabilitation Commission be eligible for membership in the retirement system for public employees.

Medical consultants,—retirement.

By Mr. Evangelidis of Holden, a petition (subject to Joint Rule 12) of Lewis G. Evangelidis, William Smitty Pignatielli and others for legislation establishing a blue alert system in the Commonwealth for the purpose of searching for an individual wanted for injuring or killing a police officer.

Alert system.

By Messrs. Fallon of Malden and Donato of Medford, a petition (subject to Joint Rule 12) of Christopher G. Fallon, Paul J. Donato, and Stephen Stat Smith for legislation to establish a sick leave bank for Stephanie Savini, an employee of the Department of Security of the Trial Court.

Stephanie Savini.

By Representative Frost of Auburn and Senator Moore, a joint petition (subject to Joint Rule 12) of Paul K. Frost and Michael O. Moore for legislation to establish a sick leave bank for Meridyth L. Reith, an employee of the Department of Environment Protection.

Meridyth L. Reith,—sick leave.

By Ms. Grant of Beverly, a petition (subject to Joint Rule 12) of Mary E. Grant, Paul McMurtry and others for legislation to increase the membership of the Children's Behavioral Health Advisory Council to include a pediatric nurse practitioner and a child psychiatric nurse.

Behavioral health council,—membership.

By Mr. Lewis of Winchester, a petition (subject Joint Rule 12 and 9) of Jason Lewis, Elizabeth A. Malia and others relative to the reorganization of the Zoological Corporation Board.

Zoological Corporation Board.

By Representative Mariano of Quincy and Senator Morrissey, a petition (subject to Joint Rule 12) of Ronald Mariano, Michael W. Morrissey, and others that the Department of Children and Families be authorized to establish a sick leave bank for Meraly Rivera, an employee of said department.

Meraly Rivera.

Massachusetts Minuteman and Militia Day.

By Mr. Miceli of Wilmington, a petition (subject to Joint Rule 12) of James R. Miceli for the issuance by the Governor of an annual proclamation setting apart the third Saturday in October as Massachusetts Minutemen and Militia Day.

Noncriminal fines.

By Mr. Nangle of Lowell (by request), a petition (subject to Joint Rule 12) of Joseph Sherman relative to the payment of certain fines for noncriminal hearings.

GIC,— reimbursements.

By Ms. Peisch of Wellesley, a petition (subject to Joint Rule 12) of Alice Hanlon Peisch, Katherine Clark, and others for legislation to authorize cities and towns to reimburse employees for certain savings from reduced health insurance premiums of the Group Insurance Commission.

Telephones,— automatic dialing.

By Mr. Pignatelli of Lenox, a petition (subject to Joint Rule 12) of William Smitty Pignatelli, Stephen Kulik and others for legislation to restrict callers from using certain automatic dialing devices for sending information to subscribers of telephone services.

Sports concussions.

By Mrs. Richardson of Framingham, a petition (subject to Joint Rule 12) of Pam Richardson relative to concussions sustained in school sports.

Jobs.

By Mr. Sannicandro of Ashland, a petition (subject to Joint Rule 12) of Tom Sannicandro relative to establishing a commission within the Division of Unemployment Assistance for the creation of jobs.

Frances Bonnayer.

By Representative Smola of Palmer and Senator Brewer, a joint petition (subject to Joint Rule 12) of Todd M. Smola, Stephen M. Brewer, and Anne M. Gobi for legislation to establish a sick leave bank for Frances Bonnayer, an employee of the Department of Transportation.

PRIM Board,— membership.

By Mr. Spellane of Worcester, a petition (subject to Joint Rule 12) of Robert P. Spellane for legislation to increase the membership of the Pension Reserves Investment Management Board.

Toll system.

By Mr. Vallee of Franklin, a petition (subject to Joint Rule 12) of James E. Vallee that the Department of Transportation be directed to establish an automatic toll collection system.

Apprenticeship training,— use of monitors.

By Mr. Walsh of Boston, a petition (subject to Joint Rule 12) of Martin J. Walsh for legislation to require the use of proctors as monitors for instruction and training programs administered by the Division of Apprenticeship Training within the Department of Labor and Workforce Development.

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

Papers from the Senate.

Hingham,— liquor license.

The House Bill authorizing the town of Hingham to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4268) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1, in line 3 (as changed by the House committee on Bills in the Third Reading), inserting at the end thereof the following sentence: "The license shall be subject to all of said chapter 138 except said section 17.".

Under suspension of Rule 35, on motion of Mr. Bradley of Hingham, the amendment (reported by said committee to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

A petition of Susan C. Fargo, Thomas A. Golden, Jr., James Arciero, Cory Atkins and David M. Nangle (by vote of the town) for legislation to authorize the town of Chelmsford to convey certain conservation land and easements, came from the Senate referred, under suspension of Joint Rule 7B, to the committee on Municipalities and Regional Government. Chelmsford,—land.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2287) was referred, in concurrence, to the committee on Municipalities and Regional Government.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2289) of Cynthia Stone Creem, Frederick E. Berry, Stephen M. Brewer and other members of the General Court for legislation to protect children from sexual abuse and exploitation. To the committee on the Judiciary. Children,—protection.

Petition (accompanied by bill, Senate, No. 2288) of Richard R. Tisei, James Dwyer and Bradley H. Jones, Jr., for legislation to establish a sick leave bank for Sean O'Brien, an employee of the Department of Transitional Assistance. To the committee on Public Service. Sean O'Brien,—sick leave bank.

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 following petitions:

Petition (accompanied by bill) of John P. Fresolo for legislation to include certain co-generation steam firemen and engineers in Group 4 of the public employees retirement law; and Co-generation steam firemen.

Petition (accompanied by bill) of John P. Fresolo that sewerage treatment operators of the Department of Correction be placed in Group 4 of the public employees retirement law; Department of Correction.

Severally to the committee on Public Service.

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

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration

Of the Bill relative to speed limits (House, No. 3643); and Speed limits.

Of the Bill relative to an affordable health plan (House, No. 4452); Health plan.

And recommending that the same severally be referred to the House committee on Ways and Means.

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

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on a petition, a Bill requiring the Department of Transitional Assistance to track and report on the use of emergency shelter services by families (House, No. 141, changed Emergency shelter.

Emergency shelter.

in lines 1, 2, and 3 by striking out the text contained therein and inserting in place thereof the following: "Section 3 of chapter 23B of the General Laws of 2008 is hereby amended by adding after clause (v) the following clause:— (w) The department"; and by striking out the title and inserting in place thereof the following title: "An Act requiring the Department of Housing and Community Development to track and report on the use of emergency shelter services by families." and inserting in place thereof the new title.).

State contracts.

By Mr. Walsh of Lynn, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill recognizing the profession of interior designers to bid on state contracts (House, No. 2999).

Subsidized housing.

By the same member, for the same committee, on House, Nos. 8 and 9, a Bill relative to Chapter 30B (House, No. 4506).

Surplus vehicles.

By the same member, for the same committee, on House, No. 2964, a Bill relative to interest on retainage (House, No. 4507).

Price adjustment.

By the same member, for the same committee, on House, No. 2968, a Bill relative to price adjustment (House, No. 4508).

Plimoth Plantation.

By the same member, for the same committee, on House, No. 3616, a Bill relative to Plimoth Plantation (House, No. 4510).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Corporations,— voting.

By Mr. Walsh of Lynn, for the committee on State Administration and Regulatory Oversight, on House, No. 3033, a Bill making amendments to the Massachusetts Corporations Act — Part Two (House, No. 4509).

Mitigation program.

By the same member, for the same committee, on House, No. 3757, a Bill relative to the Bayswater mitigation program (House, No. 4511).

Trademarks,— regulate.

By the same member, for the same committee, on Senate, No. 1467 and House, No. 2977, a Bill relative to state trademarks (House, No. 4521).

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

Time-share ownership.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, that the Bill relative time-share ownership (House, No. 1287) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4496). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Engrossed Bill.

Bill enacted.

The engrossed Bill authorizing the town of Franklin to appropriate funds and incur debt to replace overhead utilities with underground facilities (see House, No. 4251, amended) (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.

Orders of the Day.

Senate bills

Designating a certain walking path along Lynn Shore Drive at Red Rock Park in the city of Lynn as the Senator Walter J. Boverini Scenic Walkway (Senate, No. 407) (its title having been changed by the committee on Bills in the Third Reading); and

Third reading bills.

Establishing the Sandwich economic initiative corporation (Senate, No. 2073);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

House bills

Relative to property tax exemptions for rental properties in the town of Wellfleet restricting affordable housing (House, No. 2852);

Id.

Authorizing the town of North Andover to grant a license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4189);

Relative to representation by the Attorney General in actions involving pilots (House, No. 4469); and

Validating the actions taken at a special town meeting of the town of Lynnfield (House, No. 4498);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Senate bills

Establishing the position of town clerk in the town of Charlemont (Senate, No. 2130, amended);

Second reading bills.

Authorizing the town of Greenfield to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2258); and

Authorizing the town of Greenfield to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2259); and

House bills

Authorizing the town of Cohasset to use a certain parcel of water supply land for general municipal purposes (House, No. 1132);

Providing for nonsmoking units in elderly housing (House, No. 1181);

Relative to the determination of condominium common area interest (House, No. 1235);

Relative to the estate of homestead (House, No. 1591);

Authorizing the appointment of retired police officers as special police officers in the town of Norwood (House, No. 1917);

Authorizing Southwick's Zoo to install certain sign (House, No. 3213);

Designating a bridge in the town of Clinton as the Arthur J. Mayou Memorial Bridge (House, No. 3280);

Relative to red and blue flashing, rotating or oscillating lights (House, No. 3301);

Second reading bills.

Authorizing the town of Westwood to grant three licenses for the sale of wine and malt beverages to food stores (House, No. 4089);

Amending Chapter 97 of the Acts of 2007 relative to the town of Belmont Other Post Employment Benefits Trust Fund (House, No. 4223);

Amending the requirements regarding the method of determination of the allocation of the number of town meeting members among precincts in the town of Shrewsbury (House, No. 4305);

Authorizing the use of revenues from the Groton Sewer Enterprise Fund (House, No. 4354);

To amend the charter for the town of Groton (House, No. 4355);

Designating a certain intersection in the town of Stoughton as the Police Chief William F. Gross and Ann M. Gross intersection (House, No. 4370);

Authorizing the town of Norwood to acquire the Norwood Post VFW #2452 building for the ability to lease it to veterans‘ organizations (House, No. 4383);

Providing for a ballot question in the town of Arlington authorizing the granting of 3 licenses for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4403);

Relative to the promotion of a member of the fire department of the town of Framingham (House, No. 4405); and

Designating a certain road in the town of Salisbury as Army Sergeant Jordan Michael Shay Memorial Drive (House, No. 4412); and

Making gun law violations subject to dangerousness hearing determinations (House, No. 4428);

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

House report.

The House report of the committee on Tourism, Arts and Cultural Development, ought NOT to pass, on the petition (accompanied by resolve, House, No. 3539) of James Ellis for the establishment of a special commission (including members of the General Court) to prepare plans for the observance by the Commonwealth of the bicentennial of the historic events related to the War of 1812, was accepted.

Recess.

Recess.

At twenty-two minutes after eleven o’clock A.M., on motion of Mr. Kafka of Stoughton (Mr. Donato of Medford being in the Chair), the House recessed until ten minutes before one o’clock P.M.; and at two minutes before one o’clock the House was called to order, with the Mr. Vallee of Franklin in the Chair.

Joint Session of the Two Houses to Consider Specific Amendments to the Constitution

Joint Session.

At six minutes past one o’clock P.M., the two Houses met in

JOINT SESSION

and were called to order by the Honorable Therese Murray, President of the Senate.

Distinguished Guests.

Watertown Field Hockey Team.

There being no objection, the President introduced the State Champion Watertown Field Hockey team. On Saturday, November 21, 2009, Watertown High School defeated Oakmont Regional High School, in a physical, hard fought 1-0 victory, to become the 2009 MIAA Division II State Champion Field Hockey Team. The Raider's 2009 State Championship capped a season of undefeated play. The championship is the 10th in Watertown program history, and the first since the Raiders won back-to-back titles in 2001 and 2002. Watertown's 2009 team was captained by Emily Sideris and Kelsey Prendergast, who are here with their teammates today. Also joining the team in the Chamber today is their coach Eileen Donahue and Watertown's Athletic Director Michael Lahiff. They were the guest of Senator Tolman and Representative Hecht of Watertown.

Without action on the matters duly and constitutionally assigned for consideration, on motion of Ms. Menard, at eight minutes past one o'clock P.M., the joint session was recessed until Thursday, July 29, 2010, at one o'clock P.M.; and the Senate withdrew from the House Chamber under the escort of the Sergeant-at-Arms.

Orders of the Day.

Correctional employees,—assault upon.

The Senate Bill punishing assault and battery by means of a bodily substance upon correctional facility employees (Senate, No. 997, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

After debate on the question on passing the bill to be engrossed, in concurrence, Mr. Pedone of Worcester moved to amend it in line 17 by striking out the following: "less than 2 and a half years nor more than 15" (as amended by the Senate and as changed by the House committee on Bills in the Third Reading) and inserting in place thereof the following: "more than 10".

The amendment was adopted.

Mr. Costello of Newburyport then moved to amend the bill by adding the following subsection:

"(d) Any person with an open mental health case charged under this statute shall be evaluated under the provisions set forth in Chapter 123, section 15.".

The amendment was adopted.

Messrs. O'Flaherty of Chelsea, Jones of North Reading and Cantwell of Marshfield and other members of the House then moved to amend the bill by adding the following section:

"SECTION 2. Section 31 of Chapter 272 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking, in lines 40 through 43, inclusive, the definition of 'Matter' and inserting in place thereof the following definition:—

'Matter', any handwritten or printed material, visual representation, live performance or sound recording including but not limited to books, magazines, motion picture films, pamphlets, phonographic records, pictures, photographs, figures, statues, plays, dances, or any

electronic communication including but not limited to any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system.”.

Amendment adopted,— yea and nay No. 290.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. O’Flaherty; and on the roll call 148 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 290 in Supplement.]

Therefore the amendment was adopted.

Bill passed to be engrossed,— yea and nay No. 291.

On the question on passing the bill, as amended, to be engrossed, in concurrence, the sense of the House was taken by yeas and nays at the request of Mr. Costello of Newburyport; and on the roll call 149 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 291 in Supplement.]

Therefore the bill (Senate, No. 997, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendments.

Order.

Mr. Donato of Medford being in the Chair,—

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

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

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at ten minutes after two o’clock P.M., on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o’clock A.M., in an Informal Session.

Thursday, February 25, 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:

Eternal God, the Ultimate Source of Our Hope and Peace, we pause for a moment of meditation and silent prayer. We turn our attention and thoughts to You and to spiritual values and realities. We believe that Your guidance enables us to organize and to set our personal priorities and agenda for the day in a clear and thoughtful manner. Your assistance also enables us to remain faithful to our basic traditional principles for daily living and to our religious beliefs and practices. In these changing and perhaps stressful times, may we continue to recognize the human and spiritual needs of all people and their families. As a society, may we be united in a common effort to improve the quality of life, both human and spiritual, for all in our diverse communities. Prayer.

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

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.

Resolutions.

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

Resolutions (filed by Mr. Atsalis of Barnstable) congratulating Norma Holder-Hall on the tenth anniversary of the Multicultural Festival of Cape Cod; and Norma Holder-Hall.

Resolutions (filed by Mr. Rushing of Boston) recognizing February 27, 2010 as the Dominican Republic Independence Day; Dominican Independence Day.

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. Honan 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.

A Bill relative to flea market vendors (Senate, No. 2282, amended in section 4, in lines 46 to 52, inclusive, by striking out the sentence contained therein and inserting in place thereof the following: Flea market vendors.

"Section 3B. For the purpose of determining a single show for this chapter the conduct of an activity or event described in the definition of 'show' in section 1 of chapter 62C held on any single day in the commonwealth shall constitute a single show. The fee schedule for a

Flea market vendors.

license as a promoter shall be as follows: $200.00 for 1 to 9 single shows to be held per year; $300.00 for 10 to 19 single shows to be held per year; $400.00 for 20 to 29 single shows to be held per year; $500.00 for 30 to 39 single shows to be held per year; $600.00 for 40 to 49 single shows to be held per year; $1000.00 for over 50 single shows to be held per year.") (on Senate, No. 2118), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Funeral processions.

A Bill further regulating funeral processions (Senate, No. 1884, amended in lines 85, 86 and 87 by striking out the sentence contained therein) (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.

Palmer,— ballot question.

A petition (accompanied by bill, Senate, No. 2284) of Stephen M. Brewer and Todd M. Smola (by vote of the town) for legislation to authorize a certain question relative to a charter provision in the town of Palmer to be placed on the election ballot, was referred, in concurrence, to the committee on Election Laws.

Elderly,— property tax benefits.

A petition of Stephen M. Brewer for legislation relative to property tax benefits for senior citizen volunteers, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Revenue.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2292) was referred, in concurrence, to the committee on Revenue.

Reports of Committees.

Victims' families,— jury service.

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 a petition of James M. Cantwell for legislation to exempt certain family members of murder victims from jury service in the courts of the Commonwealth. Under suspension of the rules, on motion of Mr. Kafka of Stoughton, 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.

Schools,— grants.

By Ms. Walz of Boston, for the committee on Education, on House, No. 411, a Bill establishing a grant program for expanding learning time and improving student success (House, No. 4519).

Child suicide,— study.

By the same member, for the same committee, on House, No. 413, a Resolve providing for an investigation and study by a special commission relative to child suicide (House, No. 4522).

Severally read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Business locations.

By Mr. Finegold of Andover, for the committee on Telecommunications, Utilities and Energy, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3107)

of Elizabeth Poirier and others for legislation to prohibit businesses from misrepresenting the geographic location of such business in local telephone directories,— and recommending that the same be referred to the committee on Consumer Protection and Professional Licensure.

By the same member, for the same committee, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3119) of John W. Scibak and Jennifer M. Callahan for legislation to further regulate the solicitation of contributions in the Commonwealth,— and recommending that the same be referred to the committee on Consumer Protection and Professional Licensure. Donation solicitations.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

By Ms. Walz of Boston, for the committee on Education, on Senate, No. 297 and House, No. 523, a Bill relative to the Massachusetts Youthbuild program (House, No. 523). Youthbuild.

By the same member, for the same committee, on a petition, a Bill enhancing student opportunity for achievement and results (House, No. 3436). Student achievement.

By the same member, for the same committee, on House, No. 463, a Bill concerning genocide education (House, No. 4520). Genocide education.

By the same member, for the same committee, on House, Nos. 470 and 471, a Bill to assure college and career readiness through six-year career plans for all Massachusetts public school students (House, No. 4523). Schools,— career plans.

By the same member, for the same committee, on House, No. 482, a Bill requiring school districts to adopt a certain health program (House, No. 4524). Schools,— health programs.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on House, Nos. 30, 31, 104, 1963, 1971, 1992 and 2005, a Bill relative to municipal relief (House, No. 4526). Municipal relief.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Ms. Walz of Boston, for the committee on Education, on a petition, a Bill authorizing the Revere school department to be open on Suffolk County holidays (House, No. 1129) [Local Approval Received]. Revere,— holidays.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to compensated absences in cities and towns (House, No. 1978). Compensated absences.

By the same member, for the same committee, on a petition, a Bill relative to the expenditure of certain municipal and district monies (House, No. 1979). Municipal monies.

By the same member, for the same committee, on a petition, a Bill to increase the amount that can be appropriated from the balance of a capital project fund (House, No. 1980). Capital project funds.

By the same member, for the same committee, on a petition, a Bill relative to handicap automobile licenses or placards (House, No. 1998). Handicap placards.

By the same member, for the same committee, on a petition, a Bill relative to private road maintenance (House, No. 2013). Private roads.

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

Emergency Measure.

Elizabeth J. Lynch,— sick leave bank.

The engrossed Bill establishing a sick leave bank for Elizabeth J. Lynch, an employee of the Department of Children and Families (see House, No. 4464), 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 Bill.

Bill enacted.

The engrossed Bill authorizing the town of Hingham to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 4268, amended) (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.

Orders of the Day.

House Bills

Third reading bills.

Designating a certain intersection in the town of Stoughton as the Police Chief William F. Gross and Ann M. Gross Intersection (House, No. 4370);

Authorizing the town of Norwood to acquire a certain Veterans of Foreign Wars parcel and building for leasing (House, No. 4383) (its title having been changed by the committee on Bills in the Third Reading); and

Designating a certain road in the town of Salisbury as the Army Sergeant Jordan Michael Shay Memorial Drive (House, No. 4412) (its title having been changed by the committee on Bill in the Third Reading);

Severally having been reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

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

At twelve minutes after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (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.

Monday, March 1, 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.

Gracious God, today we begin our legislative session on the first day of a new month. With hearts and minds filled with hope and enthusiasm, we look to You for guidance as we take up and address the legislative and administrative matters which come before us. In these unusual and complex times, inspire us to make decisions and to select options which are reasoned, principled and in accord with Your ways. May we always be faithful in our daily living to our own human and spiritual values, principals and religious beliefs. Teach us to work together and to be open to the insights of all people in our continuing dialogue on the meaning of the common good in contemporary society and culture

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

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.

Resolutions.

Arts Education Month.

Resolutions (filed with the Clerk by Mr. Keenan of Salem) celebrating Arts Education Month, were referred, under Rule 85, to the committee on Rules:

Mr. Binienda of Worcester, for said committee, reported, that the resolutions ought to be adopted. Under suspension of the Rules, 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.

Communications.

Communications

Transportation financing.

From the Executive Office for Administration and Finance (under Section 64 of Chapter 303 of the Acts of 2008) submitting its report on the progress of expenditures funded through the authorization of said chapter;

Land and energy improvements.

From the Executive Office for Administration and Finance (under Section 34 of Chapter 312 of the Acts of 2008) submitting its report on the progress of expenditures funded through the authorization of said chapter;

Commissioner of Banks.

From the Office of the Commissioner of Banks (under of Section 3B of Chapter 5 of the General Laws) relative to state-charted banks and credit unions;

Schools,—behavioral health.

From the Department of Elementary and Secondary Education (under Section 19 of Chapter 321 of the Acts of 2008) relative to the task force on behavioral health and public schools;

Health workers.

From the Office of Health and Human Services (under the provisions of Section 110 of Chapter 58 of the Acts of 2006) submitting its report on the Department of Public Health Community Health Workers Advisory Council;

Housing first.

From the Massachusetts Housing and Shelter Alliance relative to a statewide housing first program;

Northeastern University Boathouse.

From Northeastern University (under Chapter 645 of the Acts of 1986) relative to the lease entered into by and between the Commonwealth of Massachusetts and Northeastern University for the University Boathouse;

OxyContin and Heroin.

From the OxyContin and the Herion Commission (under Section 56 of Chapter 302 of the Acts of 2008) submitting it final report;

PERAC,—teachers.

From the Public Employees Retirement Administration Commission (under Chapter 114 of the Acts of 2000) submitting a cost analysis of the Teacher Recruitment, Retention and Retirement Act;

Registries of deeds,—technology.

From the Registry of Deeds Technology Advisory Council (under Section 80 of Chapter 4 of the Acts of 2003) submitting its technological fund spending plan;

Transportation Department,—integration reports.

From the Department of Transportation (under Section 12 of Chapter 86 and Section 18 of Chapter 233 of the Acts of 2008) transmitting various integration reports containing periodic and substantial completion estimates listing certain dates in relation to projects under the control of said office and the Department of Highways;

Transportation Department,—performance reports.

From the Department of Transportation (under Section 6 of Chapter 25 of the Acts of 2009) submitting various year end performance reports for said department; and

Trial Court,—children.

From the Office of the Trial Court (under Chapter 205 of the Acts of 2008) relative to the further protection of children;

Severally were placed on file.

Annual and Quarterly Reports.

Annual reports

Commissioner of Banks.

Of the Office of the Commissioner of Banks (under Section 13 of Chapter 167 of the General Laws) submitting several combined reports for the year 2007;

Broadband Institute.

Of the Massachusetts Broadband Institute (under Section 6B(k) of Chapter 40J of the General Laws) submitting its report for the fiscal year 2009;

Comptroller.

Of the Office of the Comptroller of the Commonwealth (under Section 12(c) of Chapter 7A of the General Laws) submitting the Commonwealth's Comprehensive Annual Report for the fiscal year 2009;

Sex offenders.

Of the Department of Correction (under Section 16 of Chapter 123A of the General Laws) relative to the sexually dangerous persons;

Cultural Council.

Of the Massachusetts Cultural Council (under Chapter 123 of the Acts of 2006) submitting its annual report for the fiscal year 2009;

Early Education.

Of the Department of Early Education and Care (under Sections 3(g), 10 and 13(d) of Chapter 15D of the General Laws) submitting its annual report for the fiscal year 2010;

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

Of the Commission on the Status of Grandparents (under Section 69(h) of Chapter 3 of the General Laws) submitting its first annual report on the status of grandparents raising grandchildren for the year 2010; Grandparents,— parenting.

Of the Massachusetts Legal Assistance Corporation (under Section 10 of Chapter 221A of the General Laws) relative the discrimination and evaluation of each program and a summary of the expenditures for such programs for the fiscal year ending June 30, 2009; Legal Assistance Corporation.

Of the Merrimack Valley Regional Transit Authority (under Chapter 161B of the General Laws) submitting it annual report for the fiscal year 2009; and Merrimack Valley Transit Authority.

Of the Department of Telecommunications and Cable (under Section 6 of Chapter 25C of the General Laws) submitting its annual report for the year 2009; and Telecommunications and Cable.

A quarterly report of the Department of Public Utilities (under Section 142 of the Acts of 2003) relative to the condition of the Commonwealth's Unemployment Insurance Trust Fund for November, 2009 and February, 2010. Unemployment insurance.

Severally were placed on file.

Paper from the Senate.

The Senate Bill relative to the financing of wind energy facilities in the town of Falmouth (Senate, No. 2291, amended by adding the following section: Falmouth,— energy facilities.

"SECTION 2. This act shall take effect upon its passage.") (on Senate, No. 2234), passed to be engrossed by the Senate was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reports of Committees.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, asking to be discharged from further consideration of the petition (accompanied by bill House, No. 728) of Barry R. Finegold, Frank I. Smizik and others for legislation to require that certain taxicabs be hybrid or alternative fuel vehicles,— and recommending that the same be referred to the committee on Telecommunications, Utilities and Energy. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence. Hybrid,— taxicabs.

By Mr. Sánchez of Boston, for the committee on the Public Health, on a petition, a Resolve establishing a special commission on improper needle disposal in public recreation areas (House, No. 2122). Needle disposal,— study.

By the same member, for the same committee, on a petition, a Resolve relative to the study on methods to reduce incidents of suicide (House, No. 3827). Suicide,— study.

Severally read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Breakthrough seizures.

By Mr. Sánchez of Boston, for the committee on Public Health, on a petition, a Bill to protect patients from breakthrough seizures (House, No. 2024, changed in section 2, in lines 17 and 18, by striking out the words "and the signed informed consent of".).

Needlestick injury prevention.

By the same member, for the same committee, on a petition, a Bill relative to needlestick injury prevention in public health facilities and settings (House, No. 2030, changed in section 5, in line 14, by striking out the following: "January 4th" and inserting in place thereof the following: "September 1st".).

Public health warnings.

By the same member, for the same committee, on a petition, a Bill relative to the issuance of public health warnings (House, No. 2042).

Children,—influenza.

By the same member, for the same committee, on a petition, a Bill relative to the annual immunization against influenza for children (House, No. 2045, changed in section 1, in line 3, by striking out the figures: "220" and inserting in place thereof the figures: "222", in lines 6 and 7, by striking out the following: "six (6) months of age to five (5) years of age" and inserting in place thereof the following: "18 years of age").

Pharmacy,—definition.

By the same member, for the same committee, on a petition, a Bill relative to the definition of a pharmacy (House, No. 2071).

Schools,—epinephrine.

By the same member, for the same committee, on a petition, a Bill relative to access to epinephrine in schools (House, No. 2077).

Long term care facilities.

By the same member, for the same committee, on a petition, a Bill relative to the voluntary closure of long term care facilities (House, No. 2175, changed in line 12 by striking out the sentence contained therein).

Ionizing radiation,—procedures.

By the same member, for the same committee, on a petition, a Bill pertaining to physicians delegating to physician assistants procedures using ionizing radiation (House, No. 2178).

Deceased,—transportation.

By the same member, for the same committee, on a petition, a Bill relative to the transporting of deceased persons (House, No. 2180).

Medical staff,—information.

By the same member, for the same committee, on a petition, a Bill providing for the information submitted by hospital medical staff (House, No. 3597).

Health care,—language.

By the same member, for the same committee, on a petition, a Bill to eliminate antiquated language in health care requirements (House, No. 3920).

Premature infants.

By the same member, for the same committee, on House, No. 2033, a Bill providing educational information about premature infants' risks and healthcare needs (House, No. 4533).

Newborn screenings.

By the same member, for the same committee, on House, No. 2047, a Bill including Krabbe Disease in newborn screenings (House, No. 4534).

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

Body piercing.

By Mr. Sánchez of Boston, for the committee on Public Health, on a petition, a Bill relative to regulating the practice of human body piercing (House, No. 2016).

Funeral expenses.

By the same member, for the same committee, on a petition, a Bill relative to funeral expenses (House, No. 2169).

By the same member, for the same committee, on a petition, a Bill relative to realistic allowable costs for funerals of indigents (House, No. 2171). Indigent,—funeral costs.

By the same member, for the same committee, on House, Nos. 30 and 56, a Bill updating medical examiner law (House, No. 4532). Medical examiners.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill to amend retirement benefits for certain employees of the Department of Corrections (House, No. 2654). Corrections employees,—retirement.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill to amend the fine for failing to obtain, renew or violating the terms of a license to operate an open air parking lot (House, No. 2006). Open air parking lots.

By the same member, for the same committee, on a petition, a Bill relative to the maintenance of private roads, beaches and amenities in municipalities (House, No. 3412). Private roads.

By the same member, for the same committee, on a petition, a Bill exempting the city of Springfield from certain provisions of the General Laws (House, No. 4316) [Local Approval Received]. Springfield,—exemptions.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill authorizing the Dukes County Contributory Retirement System to grant certain retirement benefits (House, No. 4174). Dukes County,—retirement benefits.

By the same member, for the same committee, on a petition, a Bill expanding the residency preference afforded under the civil service law to candidates for appointment as Brookline police officers to include graduates of Brookline High School (House, No. 4197) [Local Approval Received]. Brookline police,—residency.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Medway to continue the employment of Paul L. Trufant (House, No. 4380) [Local Approval Received]. Medway,—Paul L. Trufant.

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

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

House bills

Relative to special police officers in the town of Greenfield (House, No. 636) [Local Approval Received]; Greenfield.

Establishing the Essex County commission on the status of women (House, No. 3410) [Representative Polito of Shrewsbury, of the committee on Ways and Means, dissents]; Essex County.

Exempting non-public safety employees from civil service (House, No. 4198) [Local Approval Received]; Non-safety employees.

Authorizing the town of Westport to lease a portion of the Westport Town Farm to the Trustees of Reservations (House, No. 4368) [Local Approval Received]; Westport,—Town Farm.

Authorizing the town of West Boylston to establish a municipal building fund and a municipal building committee (House, No. 4390) [Local Approval Received]; West Boylston.

Automobile insurance.

Relative to exemptions in the Massachusetts Automobile insurance plan (House, No. 4476);

John "Jack" Bevelaqua.

Establishing a sick leave bank for John "Jack" Bevelaqua, an employee of the Department of Energy Resources (House, No. 4503);

Lawrence.

Providing for the financial stability of the city of Lawrence (House, No. 4516) [Representatives deMacedo of Plymouth and Polito of Shrewsbury, of the committee on Ways and Means, dissent]; and

Trademarks.

Relative to state trademarks (House, No. 4521);

Severally placed in the Orders of the Day for the next sitting for a second reading.

Engrossed Bills.

Bill enacted.

The engrossed Bill establishing a sick leave bank for Elizabeth J. Lynch, an employee of the Department of Children and Families (see House, No. 4464) (which originated in the House), in respect to which the Senate had concurred in the adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bills enacted.

Engrossed bills

Designating a certain walking path along Lynn Shore Drive at Red Rock Park in the city of Lynn as the Senator Walter J. Bovernini Scenic Walkway (see Senate, No. 407); and

Establishing the Sandwich Economic Initiative Corporation (see Senate, No. 2073).

(Which severally originated in the Senate);

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,—

Next sitting.

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

At a quarter after eleven o'clock A.M., on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Wednesday at eleven o'clock A.M.

Wednesday, March 3, 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.

At the beginning of today's legislative session we take a moment to focus our thoughts and attention on You, God, our Creator. This moment also enables us to set our priorities for the day and to reflect briefly on our own spiritual values and moral principles. As elected leaders we try with Your assistance to meet the needs of the people and of our communities in these challenging economic times. We know that it is difficult if not impossible, to address all the expectations of all people, but our intention is to be fair and reasonable in dealing with constituents and their concerns. This morning we also remember in our prayers the people of Chile as they try to cope with their recent catastrophe. May they be successful in their efforts to rebuild their communities and strengthen their families under difficult conditions.

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

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.

Message from the Governor — Reorganization Plan No. 2 of 2010.

Reorganization Plan No. 2.

A message from His Excellency the Governor submitting (under Article LXXXVII of the Amendments to the Constitution) Reorganization Plan No. 2 of 2010, relative to reorganizing certain agencies of the Executive Department (House, No. 4541) was filed in the office of the Clerk on Tuesday, March 2.

The message was read; and it was referred, under Article LXXXVII and Joint Rule 23A, with the accompanying draft of a bill, to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

Statement of Representative Ayers of Quincy.

A statement of Mr. Ayers of Quincy was spread upon the records of the House, as follows:

Statement of Mr. Ayers of Quincy.

MR. SPEAKER: I would like to call to the attention of the House the fact that I will not be present in the House Chamber for the remainder of today's sitting due to an unavoidable family obligation. My missing of roll calls for the remainder of today is due entirely to the reason stated.

Resolutions.

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

Veterans hospitals.

Resolutions (filed by Mrs. Canavan of Brockton and other members of the House) urging the Congress of the United States to continue supporting veterans administration hospitals in Massachusetts;

Thomas E. Ayres.

Resolutions (filed by Mr. Naughton of Clinton) recognizing U.S. Army Brigadier General Thomas E. Ayres' service to the United States of America and upon his visit to the Massachusetts State House;

Gill P. Beck.

Resolutions (filed by Mr. Naughton of Clinton) recognizing U.S. Army Brigadier General Gill P. Beck's service to the United States of America and upon his visit to the Massachusetts State House;

Conor Daniel O'Leary.

Resolutions (filed by Ms. Peisch of Wellesley) honoring Conor Daniel O'Leary on receiving the Eagle Award of the Boy Scouts of America;

Brandon Leo James Tomm.

Resolutions (filed by Representatives Peisch of Wellesley and Naughton of Clinton) honoring Brandon Leo James Tomm on receiving the Eagle Award of the Boy Scouts of America; and

Allen M. Bornheimer.

Resolutions (filed by Messrs. Webster of Hanson and Calter of Kingston) congratulating Allen M. Bornheimer on the occasion of his retirement;

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. O'Flaherty of Chelsea, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communication.

PERAC,— proposed regulations.

A communication from the Public Employees Retirement Administration commission (under Section 50 of Chapter 7 of the General Laws) submitting proposed rules and regulations governing retirement of public employees (House, No. 4545), was referred, under Rule 24, to the committee on Public Service. Sent to the Senate for concurrence.

Petitions.

Petitions severally were presented and referred as follows:

Communications center.

By Representative Bradley of Hingham and Senator Hedlund, joint petition (subject to Joint Rule 12) of Garrett J. Bradley, Robert L. Hedlund and Robert J. Nyman for legislation to establish a regional public safety communications center for the towns of Cohasset, Hingham, Hull and Norwell;

Drunken driving,— deaths.

By Mr. Evangelidis of Holden, petition (subject to Joint Rule 12) of Lewis G. Evangelidis, Jennifer L. Flanagan and Jennifer E. Benson relative to increasing the penalties for homicide by a motor vehicle while operating under the influence of alcohol or illegal drugs;

Milford,— National Guard.

By Representative Fernandes of Milford and Senator R. T. Moore, joint petition (subject to Joint Rule 12) of John V. Fernandes and Richard T. Moore for legislation to establish the joint force headquarters of the Air and Army National Guard in the town of Milford;

By Representatives Garballey of Arlington and Brownsberger of Belmont, petition (subject to Joint Rule 12) of Sean Garballey and William N. Brownsberger relative to designating a certain portion of Route 2 located in the city of Cambridge and in the town of Arlington as the James M. Gavin Memorial Highway; James M. Gavin Memorial Highway.

By Ms. Grant of Beverly, petition (subject to Joint Rule 12) of Mary E. Grant for legislation to increase local control in the approval of charter schools in the Commonwealth; Charter schools.

By Miss Gregoire of Marlborough, petition (subject to Joint Rule 12) of Danielle W. Gregoire for issuance by the Governor of an annual proclamation setting apart the fourth Saturday of September in memory of Eunice Kennedy Shriver, the founder of the Special Olympics; Eunice Kennedy Shriver.

By the same member, petition (subject to Joint Rule 12) of Danielle W. Gregoire and James Peltekis that the Registrar of Motor Vehicles be authorized to issue a special motor vehicle registration plate for wholesalers; Wholesalers,—license plate.

By Mr. Keenan of Salem, petition (subject to Joint Rule 12) of John D. Keenan for legislation to reduce the time limitation for filing with the courts of a mechanics lien for labor and material services and providing for the validation of such liens; Liens,—time limit.

By Mr. Naughton of Clinton, petition (subject to Joint Rule 12) of Harold P. Naughton, Jr., that the Secretary of the Executive Office for Administration and Finance be directed to make an investigation and study of sick leave benefit policies of independent authorities of the Commonwealth; Sick leave benefit,—study.

By Mr. Petrolati of Ludlow, petition (subject to Joint Rule 12) of Thomas M. Petrolati that the Department of Children and Families be authorized to establish a sick leave bank for Sarah F. Bowler, an employee of said department; Sarah F. Bowler,—sick leave.

By Mrs. Richardson of Framingham, petition (subject to Joint Rule 12) of Pam Richardson and Francis C. Fichtner for legislation to place certain restrictions in parking areas assigned for motor vehicles transporting handicapped persons; Handicapped persons,—parking.

By Mr. Speliotis of Danvers, petition (subject to Joint Rule 12) of Theodore C. Speliotis, Brian M. Ashe and others for legislation to ensure uniform pricing in home heating oil transactions at petroleum terminals in the Commonwealth; and Heating oil.

By Representative Turner of Dennis and Senator O'Leary, joint petition (subject to Joint Rule 12) of Cleon H. Turner, Robert A. O'Leary and Demetrius J. Atsalis for legislation to designate a certain bridge on Route 28 over the Bass River connecting the towns of Dennis and Yarmouth as the United States Marine Corporal Nicholas G. Xiarhos Bridge. Nicholis G. Xiarhos Bridge.

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

Papers from the Senate.

A Bill providing for recall in the town of Colrain (printed as House, No. 4384) (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. Colrain,—recall election.

West Springfield,—police chief.

A petition (accompanied by bill, Senate, No. 2297) of Stephen J. Bounticonti and James T. Welch (by vote of the town) for legislation to authorize the town of West Springfield to continue the employment of the police chief Thomas E. Burke, was referred, in concurrence, to the committee on Public Service.

Reports of Committees.

Medical examinations.

By Mr. Koutoujian of Waltham, for the committee on Financial Services, on House, Nos. 863 and 946, a Bill relative to certain medical examinations (House, No. 946). Referred, under Joint Rule 1E, to the committee Health Care Financing.

Gender responsive programming.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on a petition, a Bill establishing a special commission on gender-responsive programming for system-involved girls (House, No. 3418).

Seafood marketing,—study.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill relative to a special commission on seafood marketing (House, No. 706, changed in line 18 by striking out the year "2007" and inserting in place thereof the year "2010").

Mystic River,—water quality.

By the same member, for the same committee, on a petition, a Bill establishing a Mystic River water quality commission (House, No. 807).

Severally read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Older youths,—care.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on a petition, a Bill bettering the lives of youth who age out of the care of the Commonwealth (House, No. 123).

Snowmobiles,—registration.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill relative to the registration of antique snowmobiles (House, No. 772).

Family camping.

By the same member, for the same committee, on a petition, a Bill to protect and preserve family camping in Massachusetts (House, No. 789).

Vehicle glass repair shops.

By Mr. Koutoujian of Waltham, for the committee on Financial Services, on a petition, a Bill relative to motor vehicle glass repair shop registration (House, No. 883).

Vehicle rentals.

By the same member, for the same committee, on a petition, a Bill relative to rental vehicle and replacement vehicle transactions and services (House, No. 886).

Vehicle repairs.

By the same member, for the same committee, on House, Nos. 896, 964, 1005, 1006, 1007, 1008 and 1040, a Bill relating to the repair of damaged motor vehicles (House, No. 964).

Bank regulations.

By the same member, for the same committee, on a petition, a Bill relative to certain regulations of the Division of Banks (House, No. 969).

Bank examinations.

By the same member, for the same committee, on a petition, a Bill relative to confidentiality of examination reports of the Division of Banks (House, No. 982).

By the same member, for the same committee, on a petition, a Bill establishing uniform enforcement provisions and making other changes applicable to certain licensees under the jurisdiction of the Division of Banks (House, No. 983). Bank licensees.

By the same member, for the same committee, on House, No. 884, a Bill relating to consumer protection in motor vehicle glass service (House, No. 4538). Vehicle glass service.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill relative to striped bass (House, No. 799). Striped bass.

By the same member, for the same committee, on a petition, a Bill designating the intersection in front of 306 Turtle Pond Parkway in the Hyde Park district of the city of Boston as Paul P. Loring Square (House, No. 4120). Hyde Park,—Loring Square.

By the same member, for the same committee, on a petition, a Bill establishing a shellfish mitigation receipts reserved for appropriation fund in the town of Dennis (House, No. 4245) [Local Approval Received]. Dennis,—shellfish fund.

By Mr. Koutoujian of Waltham, for the committee on Financial Services, on a petition, a Bill relative to bank branches (House, No. 916). Bank branches.

By the same member, for the same committee, on a petition, a Bill revising certain provisions of the mutual holding company law (House, No. 917). Mutual holding companies.

By the same member, for the same committee, on a petition, a Bill making technical corrections in the law relative to discharge of certain mortgages (House, No. 996). Mortgage discharges.

By the same member, for the same committee, on House, No. 981, a Bill relative to certain banking laws (House, No. 4537). Banking laws.

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

By Mr. Koutoujian of Waltham, for the committee on Financial Services, ought NOT to pass, on the petition (accompanied by bill, House, No. 858) of Bruce J. Ayers providing mortgage customers additional mandatory information regarding their accounts. Mortgage customers,—accounts.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 909) of William C. Galvin relative to joint bank accounts. Joint bank accounts.

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

Engrossed Bill.

The engrossed Bill establishing a board of health in the town of Nantucket (see House, No. 1895) (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.

Orders of the Day.

Third reading bill.

The House Bill relative to the licensure of health plans (House, No. 971), reported by the committee on Bill 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.

Second reading bills.

House bills

Relative to special police officers in the town of Greenfield (House, No. 636);

Establishing the Essex County commission on the status of women (House, No. 3410);

Exempting non-public safety employees from civil service (House, No. 4198);

Authorizing the town of Westport to lease a portion of the Westport Town Farm to the Trustees of Reservations (House, No. 4368);

Authorizing the town of West Boylston to establish a municipal building fund and a municipal building committee (House, No. 4390);

Relative to exemptions in the Massachusetts automobile insurance plan (House, No. 4476);

Establishing a sick leave bank for John "Jack" Bevelaqua, an employee of the Department of Energy Resources (House, No. 4503); and

Relative to state trademarks (House, No. 4521).

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

Recesses.

At sixteen minutes after eleven o'clock A.M., on motion of Mr. Kafka of Stoughton (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at that time the House was called to order with Mr. Pedone of Worcester in the Chair.

The House thereupon took a further recess, on motion of Mr. Donato, until half past one o'clock; and at that time the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Dogs and cats,—devocalization.

The House Bill prohibiting devocalization of dogs and cats (House, No. 344), reported by the committee on Bill in the Third Reading to be correctly drawn, was read a third time.

After remarks on the question on passing the bill to be engrossed, Mr. Peterson of Grafton moved to amend it by striking out section 1 (as printed) and inserting in place thereof the following:

"SECTION 3. Chapter 272 of the General Laws is hereby amended by inserting, after section 80A, the following section:—

Section 80A½ . (a) No person shall surgically debark or silence a dog or cat, or cause surgical debarking or silencing of a dog or cat, unless: the procedure is performed by a veterinarian licensed in the commonwealth who deems the procedure to be medically necessary to treat or relieve an illness, disease or injury or correct a congenital abnormality that is causing or may cause the dog or cat medical harm or pain.

(b) No person except a veterinarian licensed in the commonwealth, using anesthesia, may surgically debark or silence a dog or cat.

(c) Any person, except a veterinarian licensed in the commonwealth, in violation of this section shall be punished by imprisonment in the state prison for not more than 5 years or imprisonment in the house of correction for not more than 2 and one-half years or by a fine of not more than $2,500, or by both such fine and imprisonment. A court may also order any person convicted under this section to submit to a mental health evaluation as determined by the court and undergo any recommended counseling or treatment. In addition to any other penalty provided by law, a person convicted under this section may be barred from owning or possessing any animals, or living on the same property with someone who owns or possesses animals, for a period of time deemed appropriate by the court, and required to take humane education, pet ownership and dog training classes as ordered by the court.

(d) Any veterinarian in violation of this section shall be subject to section 59 of chapter 112.".

After debate on the question on adoption of the amendment, Mr. Bosley of North Adams moved to amend it by adding the following section:

"SECTION 4. Any veterinarian performing such a surgery shall report such devocalization to the Board of Registration in Veterinary Medicine within 60 days. Such report shall be provided anonymously and shall include the gender and breed of the animal as well as the date and time of each such surgery and must become a permanent part of the animal's permanent veterinarian record. That record must include a certificate of the procedure and be subject to audit by the Board of Registration in Veterinary Medicine.

Such data shall be held in strict confidence and shall not be publicly disseminated. At no time shall information be kept regarding the identity of the Veterinarian or facility performing said surgery. The Board shall bear responsibility for annually reporting such numbers to the Joint Committee on the Environment, Natural Resources and Agriculture.".

After remarks the further amendment was adopted.

Amendment rejected,—yea and nay No. 292.

On the question on adoption of the amendment, as amended, the sense of the House was taken by yeas and nays at the request of Mr. Peterson of Grafton; and on the roll call 48 members voted in the affirmative and 110 in the negative.

[See Yea and Nay No. 292 in Supplement.]

Therefore the amendment, as amended, was rejected.

Bill passed to be engrossed,—yea and nay No. 293.

On the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays at the request of Mr. O'Flaherty of Chelsea; and on the roll call 155 members voted in the affirmative and 1 in the negative.

[See Yea and Nay No. 293 in Supplement.]

Therefore the bill was passed to be engrossed. Mr. Frost of Auburn then moved that this vote be reconsidered, and the motion to reconsider was entertained. After remarks the motion to reconsider was negatived. The bill (House, No. 344) then was sent to the Senate for concurrence.

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

Statement concerning Representative Rogers of Norwood.

MR. SPEAKER: I would like to call to the attention of the House, the fact that on the previous roll call I was absent from the House Chamber on official business in another part of the State House. If I had been present for the previous roll call I would have voted in the negative.

Lawrence,— financial stability.

The House Bill providing for the financial stability of the city of Lawrence (House, No. 4516) was read a second time; and it was ordered to a third reading.

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

After debate on the question on passing the bill to be engrossed, Mr. Jones of North Reading moved to amend it [A]by striking out all after the enacting clause and inserting in place thereof a new text.

Pending the question on adoption of the amendment, Mr. Murphy of Burlington moved to amend it by striking out [at "A"] the text of said amendment and inserting in place thereof the following:—

In lines 74 and 75 by striking out clauses (7) and (8) and inserting in place thereof the following three clauses:

"(7) monitor the expenditures of all funds;

(8) approve the annual or supplemental budgets of the city and the school committee; and (9) report to the secretary monthly on the progress made towards reducing the city's capital and structural deficits.";

In line 93, after the word "city.", by inserting the following sentence: "The plan shall include a preliminary analysis of the city's financial situation and the overseer's initial recommendations to immediately begin to address the city's operating and structural deficits.";

In lines 108 to 113, inclusive, by striking out the following: "provided further, that employees who were covered by a collective bargaining agreement as of July 1, 2010 shall continue to receive the group insurance benefits pursuant to their respective collective bargaining agreement until the expiration date of such agreement; and provided, further, that upon the effective date of clause (ii), employees shall be subject to the group insurance premiums for state employees established pursuant to section 8 of said chapter 32A;";

In line 115, after the word "provisions.", by inserting the following paragraph:

"(3) Upon acceptance of section 19 of chapter 32B of the General Laws pursuant to clause (ii) of paragraph (2), the overseer shall notify the group insurance commission in writing of such acceptance and the intent to transfer subscribers, as defined in subsection (a) of said section 19 of said chapter 32B, to the group insurance commission. The group insurance commission shall, on or before November 1, 2010, enroll subscribers in the group insurance commission pursuant to said paragraph (2); provided, however, that employees who are covered under a collective bargaining agreement as of July 1, 2010

in which a health insurance carrier is expressly named, shall continue to receive the group insurance benefits pursuant to their respective collective bargaining agreement until or before the expiration date of such contract; provided, further, that employees that are covered under a collective bargaining agreement that expires on June 30, 2010 shall continue to receive the group insurance benefits pursuant to their respective collective bargaining agreement until they are transferred to the group insurance commission on November 1, 2010; and provided, further, that on or before November 1, 2010, subscribers shall be subject to the group insurance premiums for state employees established pursuant to section 8 of chapter 32A."; and

In lines 151 and 152 by striking out the following: "after January 31, 2011".

Further amendments adopted,— yea and nay No. 294.

After debate on the question on adoption of the further amendments, the sense of the House was taken by yeas and nays at the request of Mr. Jones of North Reading; and on the roll call 101 members voted in the affirmative and 56 in the negative.

[See Yea and Nay No. 294 in Supplement.]

Therefore the further amendments were adopted, thus precluding a vote on the pending amendment.

Mr. Pedone of Worcester then moved to amend the bill by adding the following section:

"SECTION 12. This act shall take effect upon its passage.".

The amendment was adopted.

Bill passed to be engrossed,— yea and nay No. 295.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays at the request of Mr. Murphy of Burlington; and on the roll call 106 members voted in the affirmative and 51 in the negative.

[See Yea and Nay No. 295 in Supplement.]

Therefore the bill (House, No. 4516, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Mr. Donato of Medford being in the Chair, —

Bridgewater,— form of government.

The House Bill providing the voters of the town of Bridgewater a choice of charters for a new form of government (House, No. 4413) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Flynn of Bridgewater moved to amend it by substitution of a bill with the same title (House, No. 4547), which was read.

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

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

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

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty-five minutes after five o'clock P.M., on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the next day at eleven o'clock A.M., in an Informal Session.

Thursday, March 4, 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.

Appointment to a Special Commission.

The Speaker announced the appointment of Representative Dykema of Holliston to the special water infrastructure finance commission established (under Section 145 of Chapter 27 of the Acts of 2009) to develop a comprehensive, long-range water infrastructure finance plan for the Commonwealth and municipalities.

Water infrastructure finance commission.

Resolutions.

Resolutions (filed with the Clerk by Mr. Atsalis of Barnstable) congratulating Norma Holder-Hall for her contributions to the Cape Cod Community College Multicultural Festival, were referred, under Rule 85, to the committee on Rules.

Norma Holder-Hall.

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

Petition.

Representative Costello of Newburyport and Senator Baddour presented a joint petition (subject to Joint Rule 12) of Michael A. Costello and Steven A. Baddour for legislation to protect citizens of the Commonwealth from unsafe and injurious landfills; and the same was referred, under Rule 24, to the committee on Rules.

Landfills,—clean-up.

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 following petitions:

Petition (accompanied by bill) of Martin J. Walsh for legislation to require the use of proctors as monitors for instruction and training programs administered by the Division of Apprenticeship Training within the Department of Labor and Workforce Development. To the committee on Labor and Workforce Development.

Apprenticeship training.

Petition (accompanied by bill) of Martin J. Walsh for legislation to require contractors on public works projects to submit weekly payroll records to contracting agencies. To the committee on State Administration and Regulatory Oversight.

Contractors,—payroll records.

School bus drivers,—licenses.

Petition (accompanied by bill) of John J. Binienda that applicants for a school bus drivers license be required to complete a basic course in the instruction of first aid. To the committee on Transportation.

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

Medway,—Paul L. Trufant.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill authorizing the town of Medway to continue the employment of Paul L. Trufant (House No. 4380) 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.

Mortgage customer accounts.

By Mr. Koutoujian of Waltham, for the committee on Financial Services, ought NOT to pass, on the petition (accompanied by bill, House, No. 994) of James M. Murphy relative to making technical corrections in the law relative to discharge of certain mortgages. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Paid sick days.

By Ms. Coakley-Rivera of Springfield, for the committee on Labor and Workforce Development, on Senate, No. 688 and House, No. 1815, a Bill establishing paid sick days (House, No. 1815). Referred, under Joint Rule 1E, to the committee on Health Care Financing.

Undocumented aliens,—study.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on a petition, a Resolve providing for an investigation and study by a special commission relative to the impact of undocumented aliens residing in the Commonwealth (House No. 133, changed in line 1 by striking out the words "and families" and inserting in place thereof the following ", families and persons with disabilities" and in line 23 by striking out the figures "2008" and inserting in place thereof the figures "2010".).

School busing costs,—study.

By Ms. Walz of Boston, for the committee on Education, on Senate, Nos. 225 and 230 and House, Nos. 475, 3658 and 4079, a Resolve establishing a special commission relative to reimbursement of school busing costs (House, No. 4546).

Severally read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Children,—protection.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on a petition, a Bill providing for the protection and care of certain children (House, No. 149, changed in line 1 by striking out the figures "2004" and inserting in place thereof the figures "2008".).

Metrowest advisory council.

By the same member, for the same committee, on a petition, a Bill relative to metrowest regional advisory council (House, No. 173,

changed in line 1 by inserting after the word "safety" the words "and security" and in line 16 by striking out the figures "2009" and inserting in place thereof the figures "2010").

By the same member, for the same committee, on Senate, No. 55 and House, No. 494, a Bill relating to improving quality in early education and care by family child care providers (House, No. 494, changed by adding the following section: Child care providers.

"SECTION 4. Paragraph 1 of section 17G of chapter 180, as amended by section 1 of chapter 45 of the acts of 2009, is hereby further amended by inserting in the first sentence following the words, 'workforce council,' the following:— or a collective bargaining agreement with the commonwealth covering family child care providers.").

By Ms. Walz of Boston, for the committee on Education, on a petition, a Bill to provide equal opportunities for special education (House, No. 487) [Representative Sandlin of Agawam dissenting.]. Special education.

By the same member, for the same committee, on a petition, a Bill relative to special education (House, No. 492). Id.

By the same member, for the same committee, on a petition, a Bill relative to a special education services for low incidence populations (House, No. 3656). Id.

By the same member, for the same committee, on House, No. 521, a Bill strengthening oversight of the delivery of special education services (House, No. 4542). Id.

By Mr. Honan of Boston, for the committee on Housing, on a petition, a Bill relative to energy efficiency in affordable housing (House, No. 1220). Affordable housing.

By the same member, for the same committee, on House, No. 1237, a Bill relative to public housing innovation program (House, No. 4544). Public housing innovation.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on House, No. 147 and 159, a Bill relative to nutrition awareness in schools (House, No. 147, changed in line 1 by striking out the figures "2006" and inserting in place thereof the figures "2008", in line 3 by striking out the figures "90" and inserting in place thereof the figures "91", and by adding the following section: Schools,— nutrition.

"SECTION 2. Section 1C of chapter 69 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the second paragraph the following paragraph:—

The board shall require that public schools furnishing lunches or breakfasts list the amount of carbohydrates contained in all food products served to all diabetic children, teachers and faculty.").

By Mr. Honan of Boston, for the committee on Housing, on a petition, a Bill to promote open space residential development (House, No. 1219). Open space development.

By Ms. Walz of Boston, for the committee on Education, on a petition, a Bill relative to education collaboratives (House, No. 379). Education collaboratives.

By the same member, for the same committee, on a petition, a Bill regarding school attendance (House, No. 4281). School attendance.

Nantucket Land Bank fees.

By Mr. Kaufman of Lexington, for the committee on Revenue, on a petition, a Bill to further clarify the Nantucket Islands Land Bank act regarding real property interests subject to the land bank act's transfer fee (House. No. 4106) [Local Approval Received].

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

Orders of the Day.

Third reading bills

House bills

Designating a certain bridge in the city of Fall River as the Louis Phillip Gagne Jr. Bridge (House, No. 4274);

Authorizing the use of revenues from the Groton Sewer Enterprise Fund (House, No. 4354); and

Amending the charter of the town of Groton (House, No. 4355) (its title having been changed by the committee on Bills in the Third Reading);

Severally having been reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

John Bevelaqua,— sick leave bank.

The House Bill establishing a sick leave bank for John Bevelaqua, an employee of the Department of Energy Resources (House, No. 4503) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Dempsey of Haverhill moved to amend it by striking out all after the enacting clause and inserting in place thereof the following:

"Chapter 196 of the acts of 2009 is hereby amended by inserting after the word 'Bevelaqua', in line 5, the following words:— for the period of August 21 to September 8, 2009 when he was absent from work because of illness and was not compensated.".

The amendment was adopted; and the bill (House, No. 4503, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

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

At fourteen minutes after eleven o'clock A.M., on motion of Mr. Hill of Ipswich (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.

Monday, March 8, 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.

Gracious God in Whom we place our trust and hope, today we begin this new workweek by prayerfully asking for Your guidance as we take up the legislative items which come before us. In Your goodness grant us the gifts of knowledge and wisdom so that our choices and decisions will be reasoned and just. May we be conscious of Your presence in our lives and Your personal concern for our total well being. We are grateful to You for the many material and spiritual blessings which You bestow upon us daily. In this age of violence against the innocent in many areas of the world may we continue our long tradition of protecting and respecting the lives and rights of all people in our nation. As we try to address the concerns of people today, may we also keep clear in our minds the needs of future generations and our responsibility towards them.

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.

Resolutions.

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

Jonathan Robert Gray.

Resolutions (filed by Mrs. Haddad of Somerset) congratulating Jonathan Robert Gray on receiving the Eagle Award of the Boy Scouts of America;

Gerald Richard Thaxton III.

Resolutions (filed by Ms. Allen of Boston) honoring Illustrious Potentate Gerald Richard Thaxton III;

Kevin William Keating.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Kevin William Keating on earning the Eagle Scout Award;

John Robertas Saras.

Resolutions (filed by Mr. Fernandes of Milford) congratulating John Robertas Saras on earning the Eagle Scout Award; and

Robert Arena.

Resolutions (filed by Representatives Keenan of Salem, DeLeo of Winthrop, Grant of Beverly, Spiliotis of Peabody, Walsh of Lynn and Speliotis of Danvers) congratulating Robert Arena on the occasion of his retirement;

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. Smizik of Brookline, 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.

Safe driving.

The House Bill relative to safe driving (House, No. 4475), 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 2305.

Conference committee.

Under suspension of the rules, on motion of Mr. Wagner of Chicopee, the amendment was considered forthwith. The House then non-concurred with the Senate in its amendment; and, on further motion of the same member, asked for a committee of conference on the disagreeing votes of the two branches. Representatives Wagner, Costello of Newburyport and Humason of Westfield were appointed the committee on the part of the House. Sent to the Senate to be joined.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Courts,—intimidation.

Petition (accompanied by bill, Senate, No. 2311) of Jennifer L. Flanagan for legislation to prevent intimidation in all courts of the Commonwealth; and

Dangerousness hearings.

Petition (accompanied by bill, Senate, No. 2312) of Jennifer L. Flanagan for legislation relative to dangerousness hearings.

Severally to the committee on the Judiciary.

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 following petitions:

Stephen R. Fratalia,—sick leave.

Petition (accompanied by bill) of John H. Rogers for legislation to establish a sick leave bank for Stephen R. Fratalia, an employee of the Department of Probation.

Mechanics liens.

Petition (accompanied by bill) of John D. Keenan for legislation to reduce the time limitation for filing with the courts of a mechanics lien for labor and material services and providing for the validation of such liens.

Severally to the committee on the Judiciary.

Meraly Rivera,—sick leave.

Joint petition (accompanied by bill) of Ronald Mariano, Michael W. Morrissey and others that the Department of Children and Families be authorized to establish a sick leave bank for Meraly Rivera, an employee of said department. To the committee on Public Service.

Under suspension of the rules, on motion of Mr. Kafka of Stoughton, the reports were considered forthwith. Joint Rule 12 was suspended, in each instance. Severally sent to the Senate for concurrence.

Day care, etc.,—study.

By Ms. Khan of Newton, for the committee on the Children, Families and Persons with Disabilities, on House, Nos. 112, 121, 157, 158 and 167, an Order relative to authorizing the committee on Children, Families and Persons with Disabilities to make an investigation and study of certain House documents concerning the Office for Children, Department of Transitional Assistance, the Office of Child Care Services, day care centers and other related matters (House, No. 4548).

By the same member, for the same committee, on House, Nos. 113, 114, 115, 116, 117, 118, 119, 120, 126, 130, 131, 132, 134, 135, 146, 150 and 191, an Order relative to authorizing the committee on Children, Families and Persons with Disabilities to make an investigation and study of certain House documents concerning the Department of Social Services, adopted children, abused children, disabled persons, the Department of Mental Retardation and other related matters (House, No. 4549). Children,— study.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on House, Nos. 746, 796, 844 and 3884, an Order relative to authorizing the committee on Environment, Natural Resources and Agriculture to make an investigation and study of certain House documents concerning the fishing industry, fish advisories and lobster licenses (House, No. 4551). Fishing industry,— study.

By Mr. Keenan of Salem, for the committee on Tourism, Arts and Cultural Development, on House, Nos. 3138 and 3139, an Order relative to authorizing the committee on Tourism, Arts and Cultural Development to make an investigation and study of certain House documents concerning issues of cultural development (House, No. 4552). Cultural development,— study.

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.

By Mr. Binienda of Worcester, for the committee on Rules, that the Bill to require producer responsibility for collection, reuse and recycling of discarded electronic products (House, No. 4374) ought to pass. Referred, under Rule 33, to the committee on Ways and Means. Discarded electronic products.

By Mr. Torrisi of North Andover, for the committee on Higher Education, on Senate, Nos. 597, 614 and 616 and House, No. 3568, a Bill establishing an education loan repayment program for social workers and credentialed direct care human service workers (House, No. 3568). Social workers,— loans.

By Mr. Walsh of Lynn, for the committee on State Administration and Regulatory Oversight, on Senate, No. 1141 and House, No. 2994, a Bill relative to Chapter 30B (House, No. 2994). Uniform procurement.

By the same member, for the same committee, on House, No. 4490, a Bill providing for job creation by small businesses (House, No. 4553). Small businesses,— job creation.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Kaufman of Lexington, for the committee on Revenue, on a petition, a Bill establishing the Martha's Vineyard housing bank (printed as Senate, No. 1316). Martha's Vineyard.

Nantucket,—housing bank.

By the same member, for the same committee, on a petition, a Bill establishing the Nantucket community housing bank (printed as Senate, No. 2123).

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

Engrossed Bills.

Bill enacted.

The engrossed Bill validating the actions taken at a special town meeting of the town of Lynnfield (see House bill printed in House, No. 4498) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted (more the two-thirds of the members having agreed to pass the same; and it was signed by the acting Speaker and sent to the Senate.

Id.

The engrossed Bill authorizing the appointment of special police officers in the town of Dracut (see House, No. 1143) (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.

Motion to Reconsider.

John Bevelaqua,—sick leave bank.

Mr. Pedone of Worcester moved that the vote be reconsidered by which the House, on Thursday last, passed to be engrossed the House Bill establishing a sick leave bank for John Bevelaqua, an employee of the Department of Energy Resources (House, No. 4503, amended) and the motion to reconsider was considered forthwith; and it prevailed.

The same member then moved that the vote be reconsidered by which the House, on said day, adopted an amendment (offered by Mr. Dempsey of Haverhill) striking out all after the enacting clause and inserting in place thereof a new text, and the motion to reconsider was considered forthwith; and it prevailed.

On the recurring question, the amendment was rejected.

Pending the recurring question on passing the bill to be engrossed, it was recommitted to the committee on Bills in the Third Reading, on further motion of Mr. Pedone.

Said committee then reported recommending that the bill be amended by substitution of a Bill relative to John Bevelaqua's sick leave bank (House, No. 4554).

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

Orders of the Day.

House bills

Third reading bills.

Authorizing the town of Medway to continue the employment of Fire Chief Paul L. Trufant (House, No. 4380) (its title having been changed by the committee on Bills in the Third Reading); and

Authorizing the town of Arlington to place a certain question relative to the sale of alcoholic beverages on a town election (House, No. 4403) (its title having been changed by the committee on Bills in the Third Reading);

Severally having been reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

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 twelve minutes before twelve o'clock noon, on motion of Mrs. Poirier of North Attleborough (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.

Thursday, March 11, 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, the Source of Goodness and Truth we pause for a moment of prayer as we turn our attention to You and our thoughts to spiritual values and realities. We believe that Your assistance enables us to set correctly our personal priorities for the day and to keep our personal goals clear in our minds. We also pray for Your gift of wisdom and clarity of thought as we evaluate and address the administrative and legislative matters which come before us. When we examine and disagree on complex, sensitive and controversial issues, teach us to respect the rights and decisions of others. At the same time inspire us to remain faithful to our own philosophical principles and religious beliefs and practices. Help us to be grateful for our blessings, mindful of our responsibilities and open to Your ways.

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.

Resolutions.

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

Joseph W. Furdon.

Resolutions (filed by Mr. Vallee of Franklin) congratulating Joseph W. Furdon on receiving the Eagle Award of the Boy Scouts of America;

William P. Tacy.

Resolutions (filed by Mrs. Poirier of North Attleborough) congratulating William P. Tacy on his ninetieth birthday;

Union Congregational Church.

Resolutions (filed by Mr. Driscoll of Braintree) congratulating Union Congregational Church of Weymouth and Braintree on the occasion of its two hundredth anniversary; and

Hilda Tutton Chase.

Resolutions (filed by Ms. Peake of Provincetown) congratulating Hilda Tutton Chase on the occasion of her one hundredth birthday;

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 Miss Gregoire of Marlborough, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Order.

The following order (filed by Speaker DeLeo of Winthrop) was referred, under Rule 85, to the committee on Rules:

Sixteenth Essex Representative District,—time for election to fill vacancy.

Ordered, That the precept to be issued by the Speaker, under the provisions of Section 141 of Chapter 54 of the General Laws, appointing a time for the election to fill the vacancy existing in the office of Representative in the General Court from the Sixteenth Essex District shall designate, Tuesday, June 1, 2010 as the time ordered by the House of Representatives for said election.

Mr. Binienda of Worcester, for the committee on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Pedone of Worcester, the order was considered forthwith; and it was adopted.

Petitions.

Charitable organizations,—defrauding.

Mr. deMacedo of Plymouth presented a petition (subject to Joint Rule 12) of Viriato Manuel deMacedo relative to the penalties imposed for the crime of defrauding or embezzling from non-profit and charitable organizations; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Smizik of Brookline, 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.

Petitions severally were presented and referred as follows:

Registry of Motor Vehicles,—fees.

By Mr. Evangelidis of Holden, a petition (subject to Joint Rule 12) of Lewis G. Evangelidis for legislation to prohibit the Registry of Motor Vehicles from imposing additional fees for certain transactions with said department;

Judith R. Abraham,—sick leave.

By Representative Kulik of Worthington and Senator Downing, a joint petition (subject to Joint Rule 12) of Stephen Kulik and Benjamin B. Downing for legislation to establish a sick leave bank for Judith R. Abraham, an employee of the Department of Developmental Services;

Children,—sexual abuse.

By Ms. Polito of Shrewsbury, a petition (subject to Joint Rule 12) of Karyn E. Polito, Bradley H. Jones, Jr., and others for legislation to require dangerousness hearings for defendants arrested in cases of sexual abuse of children; and

School buildings,—useage.

By Representative Turner of Dennis and Senator O'Leary, a joint petition (subject to Joint Rule 12) of Cleon H. Turner and Robert A. O'Leary that school districts and cities and towns be authorized to change the use of certain educational buildings under the school building assistance law.

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

Papers from the Senate.

Safe driving.

The House Bill relative to safe driving (House, No. 4475) came from the Senate with the endorsement that said branch had insisted on its amendment (in which the House had non-concurred).

Committee of conference.

The bill bore the further endorsement that the Senate had concurred with the House in appointment of a committee of conference on the disagreeing votes of the two branches; and that Senators Baddour, Brewer and Hedlund had been joined as the committee on the part of the Senate.

Bills

Winchendon,—fire chief.

Authorizing the town of Winchendon to continue the employment of Allen J. Lafrennie as fire chief (Senate, No. 2066) [Local Approval Received].

Stoughton,—town meeting.

Amending the charter in the town of Stoughton relative to filling vacancies among town meeting representatives (Senate, No. 2238) [Local Approval Received].

Candace Cabey,—sick leave bank.

Establishing a sick leave bank for Candace Cabey, an employee of the Trial Court (Senate, No. 2273, amended by adding 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 trial court."; and by inserting before the enacting clause the following emergency preamble:

"*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the trial court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.").

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Water company infrastructure projects.

A petition of Michael W. Morrissey relative to water company infrastructure projects, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Telecommunications, Utilities and Energy.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2320) was referred, in concurrence, to the committee on Telecommunications, Utilities and Energy.

Reports of Committees.

Zoological Corporation Board.

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 and 9 be suspended on a petition of Jason Lewis, Elizabeth A. Malia and others relative to the reorganization of the Zoological Corporation Board.

Under suspension of the rules, on motion of Mr. Kafka of Stoughton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Tourism, Arts and Cultural Development. Sent to the Senate for concurrence.

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 following petitions:

Petition (accompanied by bill) of Linda Dorcena Forry relative to the creation of low profit limited liability company small businesses. To the committee on Community Development and Small Businesses. Liability companies.

Petition (accompanied by bill) of Michael A. Costello and Steven A. Baddour for legislation to protect citizens of the Commonwealth from unsafe and injurious landfills. To the committee on Environment, Natural Resources and Agriculture. Landfills.

Joint petition (accompanied by bill) of Garret J. Bradley, Robert L. Hedlund and Robert J. Nyman for legislation to establish a regional public safety communications center for the towns of Cohasset, Hingham, Hull and Norwell. To the committee on Public Safety and Homeland Security. Cohasset, etc.

Petition (accompanied by bill) of Martin J. Walsh (with the approval of the mayor and city council) relative to promulgating regulations concerning public works projects in the city of Boston. To the committee on Transportation. Boston,— public works projects.

Under suspension of the rules, on motion of Mr. Smizik of Brookline, the reports were considered forthwith. Joint Rule 12 was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1964) of Cory Atkins, Bill Bowles and others for legislation to further regulate certain corporations responsible for the installation and maintenance of gas lines or pipes in cities and towns,— and recommending that the same be referred to the committee on Telecommunications, Utilities and Energy. Gas line or pipe,— installers.

Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

By Ms. Wolf of Cambridge, for the committee on Elder Affairs, on House, No. 2147, a Bill to promote the development of small house nursing homes in Massachusetts (House, No. 4559). Read and referred, under Joint Rule 29, to the committee on Rules of the two branches, acting concurrently. Nursing homes,— development.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on Senate, No. 118 and House, No. 268, a Bill to maintain public water systems (House, No. 268). Public water systems.

By the same member, for the same committee, on House, No. 311, a Bill increasing the experience and background necessary to operate low pressure processed steam boilers (House, No. 4558). Steam boiler operators.

By Mr. Finegold of Andover, for the committee on Telecommunications, Utilities and Energy, on a petition, a Bill authorizing an alternative mode of design and construction for the relocation and replacement of a water line under the Saugus River (House, No. 4432). Saugus River,— water line.

Weymouth,—Route 3A.

By Mr. Wagner of Chicopee, for the committee on Transportation, on a petition, a Bill relative to the Route 3A corridor in the town of Weymouth (House, No. 3274).

Safe driving.

By the same member, for the same committee, on House, No. 3214, a Bill relative to safe driving (House, No. 4555).

Arlington,—pedestrian safety.

By the same member, for the same committee, on House, No. 3222, a Bill analyzing vehicle and pedestrian safety on Route 60 in the town of Arlington (House, No. 4556).

Custom vehicles,—registration.

By the same member, for the same committee, on House, Nos. 3199 and 3201, a Bill relative to the registration and inspection of street rods and custom vehicles (House, No. 4557).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Creditors,—unwanted communications.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, that the Bill to reduce unwanted communication from creditors to protect the peace and privacy of residents (House, No. 4131) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Oxford,—liquor license.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on a petition, a Bill authorizing the town of Oxford to grant an additional license for the sale of alcohol (printed as Senate, No. 2196).

Thomas Troy,—sick leave.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Thomas Troy (House, No. 4530).

Route 2,—Dennis Rindone.

By Mr. Wagner of Chicopee, for the committee on Transportation, on a petition, a Bill relative to dedicating a portion of Route 2 to Dennis Rindone (House, No. 1889).

Haverhill,—Emilio brothers.

By the same member, for the same committee, on a petition, a Bill designating a certain section of state highway Route 110 in the city of Haverhill as the Emilio brothers memorial highway (House, No. 3197).

Newbury,—John B. Hayden.

By the same member, for the same committee, on a petition, a Bill designating a certain bridge in the town of Newbury in honor of John B. Hayden (House. No. 3337).

Railroad crossings.

By the same member, for the same committee, on a petition, a Bill relative to railroad crossings (House, No. 3359).

Nashua, N.H.,—commuter rail.

By the same member, for the same committee, on a petition, a Bill authorizing the Massachusetts Bay Transportation Authority to enter into agreements to enable extension of commuter rail passenger services to Nashua, New Hampshire (House, No. 3360).

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

Engrossed Bills.

Engrossed bills

Bills enacted.

Relative to the sale of taxi licenses in the town of Brookline (see House, No. 3712);

Authorizing the use of revenues from the Groton Sewer Enterprise Fund (see House No. 4354);

Amending the charter of the town of Groton (see House, No. 4355); and

Providing the voters of the town of Bridgewater a choice of charters for a new form of government (see House, No. 4547);

(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.

Orders of the Day.

Third reading bill.

The Senate Bill designating a certain bridge in the town of Uxbridge as the Titus Ebbeling Memorial Bridge (Senate, No. 2159), 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.

Third reading bills.

House bills

Authorizing the appointment of retired police officers as special police officers in the town of Norwood (House, No. 1917);

Exempting non-public safety employees from civil service (House, No. 4198);

Designating a certain bridge in the town of Mansfield in honor of Staff Sergeant Edward Joseph Pazsit (House, No. 4338, changed) (its title having been changed by the committee on Bills in the Third Reading); and

Establishing a municipal building fund and a municipal building committee in the town of West Boylston (House, No. 4390) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

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

At twenty-eight minutes after eleven o'clock A.M., on motion of Mrs. Poirier of North Attleborough (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.

Monday, March 15, 2010.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Ms. Reinstein of Revere 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 (Ms. Reinstein), the members, guests and employees joined with her in reciting the pledge of allegiance to the flag.

Message from the Governor.

Wilbraham,—validating actions.

A message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating action taken at an annual town meeting, an annual town election of town officers, a special town meeting, an additional special town meeting, and a special election in the town of Wilbraham (House, No. 4564), was filed in the office of the Clerk on Friday, March 12.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Election Laws. Sent to the Senate for concurrence.

Resolutions.

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

Thomas Lamb.

Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) honoring beloved Natick High School football coach Thomas Lamb on the occasion of his retirement;

Andrew Kamarck.

Resolutions (filed by Mr. Turner of Dennis) commending the family of Andrew Kamarck on his being recognized as the recipient of the Brewster Democratic Town Committee's first annual Andrew Kamarck Award; and

Robert J. Knott, Jr.

Resolutions (filed by Mr. Turner of Dennis and other members of the House) congratulating Lieutenant Robert J. Knott, Jr., on the occasion of his retirement;

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 Ms. Ferrante of Gloucester, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Executive Reorganization Plan No. 1 of 2010.

Reorganization Plan No. 1,—Executive Department agencies.

The Reorganization Plan No. 1 of 2010 (submitted by His Excellency the Governor under the provisions of Article LXXXVII of the Amendments to the Constitution) relative to reorganizing certain agencies of the Executive Department (see House, No. 4447) was placed, under Joint Rule 23A, in the Orders of the Day for the next sitting, the question being: "Shall this reorganization plan be approved?"

Report of the Committee on State Administration and Regulatory Oversight on Executive Reorganization Plan No. 2 of 2010.

By Mr. Walsh of Lynn, for the committee on State Administration and Regulatory Oversight, on the Reorganization Plan No. 2 of 2010 (submitted by His Excellency the Governor under the provisions of Article LXXXVII of the Amendments to the Constitution) relative to reorganizing certain agencies of the Executive Department (see House, No. 4541) [for majority report, see Senate, No. 2318],— reported in accordance with a provision of Joint Rule 23A, recommending that said Reorganization Plan Number 2 "ought to be approved". Placed in the Orders of the Day for the next sitting, the question being "Shall this reorganization plan be approved?". Reorganization Plan No. 2,— Executive Department agencies.

Papers from the Senate.

Bills

Relative to comprehensive siting reform for land based wind projects (Senate, No. 2260) (on Senate bill No. 2245, amended); and Wind projects.

Relative to bullying in schools (Senate, No. 2323) (on Senate bill No. 2313); Bullying.

Severally passed to be engrossed by the Senate were read; and they were referred, under Rule 33, to the committee on Ways and Means.

Bills

Authorizing the town of Carver to divert funds from the conservation fund (Senate, No. 2095) (on a petition) [Local Approval Received]; Carver,— fund transfer.

Relative to payment for services rendered for extraordinary storm damage in the town of Templeton (Senate, No. 2231) (on a petition) [Local Approval Received]; and Templeton,— storm damage.

Relative to the Punchard Free School in the town of Andover (Senate, No. 2321) (on Senate bill No. 2152) [Local Approval Received]; and Punchard Free School.

Resolves

Reviving and continuing the special commission relative to the establishment of a cranberry heritage area (Senate, No. 1876) (on a petition); and Cranberry heritage area.

Providing for an investigation and study by a special commission relative to reducing the wait time for medical equipment for children with special health care needs (Senate, No. 2319) (on Senate, No. 800); Medical equipment,— special needs.

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

A petition of Steven A. Baddour, Bruce E. Tarr and Barbara A. L'Italien for legislation to designate a certain overpass in the city of Haverhill as Captain Richard J. Cashin overpasss, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Transportation. Haverhill,— Cashin Overpass.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2328) was referred, in concurrence, to the committee on Transportation.

Reports of Committees.

Snow vehicle stamp program.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill establishing a snow vehicle land stamp program (House, No. 741).

Agricultural land.

By the same member, for the same committee, on a petition, a Bill relative to the leasing of publicly owned land for agricultural purposes (House, No. 843).

Employer housing.

By Mr. Honan of Boston, for the committee on Housing, on a petition, a Bill relative to employer assisted housing (House, No. 1215).

Foreclosed properties.

By the same member, for the same committee, on a petition, a Bill establishing an apprentice training program for the rehabilitation of foreclosed properties (House, No. 1221).

Local mandates.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on House, No. 4 and a part of House, No. 3, a Bill relative to local mandates (House, No. 4).

Lexington,—municipal lighting.

By the same member, for the same committee, on a petition, a Bill to simplify and facilitate the establishment of a municipal lighting plant by the town of Lexington (House, No. 4192) [Local Approval Received].

Needham,—land.

By the same member, for the same committee, on a petition, a Bill relative to land transfer (House, No. 4417) [Local Approval Received].

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Webb state park,—Marys' Pointe.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill designating a portion of the Captain William K. Webb memorial state park as Marys' Pointe (House, No. 791).

North Andover,—conservation restriction.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill modifying a conservation restriction in the town of North Andover (House, No. 598) [Local Approval Received].

North Andover,—spending limits.

By the same member, for the same committee, on a petition, a Bill relative to the removal of spending limits in the town of North Andover (House, No. 1897) [Local Approval Received].

North Andover,—town meetings.

By the same member, for the same committee, on a petition, a Bill relative to the distribution of simplified rules of procedure for special town meetings in the town of North Andover (House, No. 1899) [Local Approval Received].

North Andover,—warrant.

By the same member, for the same committee, on a petition, a Bill relative to the distribution of copies of the warrant in the town of North Andover (House, No. 1900) [Local Approval Received].

North Andover,—improvements hearings.

By the same member, for the same committee, on a petition, a Bill relative to the conduct of public hearings on capital improvements plans in the town of North Andover (House, No. 1901) [Local Approval Received].

Municipalities,—revolving funds.

By the same member, for the same committee, on a petition, a Bill to simplify the rules for use of municipal departmental revolving funds (House, No. 1988).

Municipal borrowing.

By the same member, for the same committee, on a petition, a Bill to improve municipal borrowing procedures (House, No. 1989).

By the same member, for the same committee, on a petition, a Bill relative to municipal stabilization funds (House, No. 1990). Stabilization funds.

By the same member, for the same committee, on a petition, a Bill authorizing the town of North Andover to incur debt for the replacement of overhead utilities (House, No. 4113) [Local Approval Received]. North Andover,— overhead utilities.

By the same member, for the same committee, on a petition, a Bill authorizing the town of North Andover to amend a certain conservation restriction (House, No. 4194) [Local Approval Received]. North Andover,— conservation restriction.

By the same member, for the same committee, on a petition, a Bill relative to land in the town of Plymouth (House, No. 4264) [Local Approval Received]. Plymouth,— land.

By the same member, for the same committee, on a petition, a Bill to help towns finance school buildings (House, No. 4292). School buildings.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Manchester-by-the-Sea to grant an easement on certain water protection land (House, No. 4304) [Local Approval Received]. Manchester-by-the-Sea,— easement.

By the same member, for the same committee, on a petition, a Bill relative to easements in the town of Andover (House, No. 4318) [Local Approval Received]. Andover,— easements.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Cohasset to grant certain interests in land (House, No. 4322) [Local Approval Received]. Cohasset,— land.

By the same member, for the same committee, on a petition, a Bill authorizing the city of Methuen to repay the borrowing of certain monies for the satisfaction of a final judgment under the applicable provisions of Chapter 44 of the General Laws for a period of up to (20) years (House, No. 4404) [Local Approval Received]. Methuen,— borrowing.

By the same member, for the same committee, on a petition, a Bill concerning the position of police chief in the town of Belmont (House, No. 4416) [Local Approval Received]. Belmont,— police chief.

By the same member, for the same committee, on a petition, a Bill relative to use of a parcel of land in the city of Woburn for recreational purposes (House, No. 4449) [Local Approval Received]. Woburn,— land.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Brewster to use a portion of town-owned land for renewable energy projects (House, No. 4450) [Local Approval Received]. Brewster,— land.

By the same member, for the same committee, on a petition, a Bill relative to the transfer of land in the town of Sharon (House, No. 4468) [Local Approval Received]. Sharon,— land.

By the same member, for the same committee, on a petition, a Bill establishing a Raynham development revolving fund (House, No. 4485) [Local Approval Received]. Raynham,— revolving fund.

By the same member, for the same committee, on a petition, a Bill relative to a road maintenance revolving account in the town of Brewster (House, No. 4495) [Local Approval Received]. Brewster,— road account.

By the same member, for the same committee, on a petition, a Bill relative to an extension of a lease by the town of Watertown for the Watertown Boys and Girls Club (House, No. 4504) [Local Approval Received]. Watertown Boys and Girls Club.

Lunenburg,—sewer service.

By the same member, for the same committee, on House, No. 4467, a Bill relative to the sewer service area for the town of Lunenburg (House, No. 4561) [Local Approval Received].

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

Time-share ownership.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill relative to time-share ownership (House, No. 1287) be scheduled for consideration by the House with an amendment (House, No. 4496), previously recommended by the committee on Consumer Protection and Professional Licensure, pending;

Identification cards.

By the same member, for the same committee, that the House Bill relative to minimum age requirement for obtaining identification cards (House, No. 3216) be scheduled for consideration by the House with an amendment (House, No. 4512), previously recommended by the committee on Ways and Means, pending [Representative Polito of Shrewsbury of the committee on Ways and Means dissenting];

Bruce P. Michaud,—license plate.

By the same member, for the same committee, that the House Bill relative to designating a certain motor vehicle plate assignment (House, No. 3253) be scheduled for consideration by the House with an amendment (House, No. 4515), previously recommended by the committee on Ways and Means, pending [Representative Polito of Shrewsbury of the committee on Ways and Means, dissenting]; and

One thousand great places.

By the same member, for the same committee, that the House Resolve to further extend the time within which the special commission established to investigate, study and designate 1,000 great places in the Commonwealth shall file its final report (House, No. 4424) be scheduled for consideration by the House with an amendment (House, No. 4517), previously recommended by the committee on Ways and Means, pending [Representative Polito of Shrewsbury of the committee on Ways and Means, dissenting];

Severally placed in the Orders of the Day for a second reading, with the amendments pending.

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

Senate bills

Allen J. Lafrennie.

Authorizing the town of Winchendon to continue the employment of Allen J. Lafrennie as fire chief (Senate, No. 2066) [Local Approval Received];

Stoughton.

Amending the charter in the town of Stoughton relative to filling vacancies among town meeting representatives (Senate, No. 2238) [Local Approval Received];

Juror service.

To improve juror service (Senate, No. 2264);

Id.

To improve juror service responses (Senate, No. 2265); and

Candice Caby.

Establishing a sick leave bank for Candice Caby, an employee of the Trial Court (Senate, No. 2273, amended); and

House bills

Authorizing the town of Oxford to grant an additional license for the sale of alcohol (printed as Senate, No. 2196) [Local Approval Received]; Oxford.

Relative to the disclosure of information held by the disabled persons protection commission pursuant to general laws Chapter 19C (House, No. 142); Disabled persons.

Relative to out of state child support (House, No. 184); Child support.

Creating smoke free elderly housing units in the Commonwealth (House, No. 1243); Elderly housing.

Opposing unnecessary language restrictions in the workplace (House, No. 1851); Workplace.

Relative to provide funds for ADA compliance in cities and towns (House, No. 1965); ADA funding.

Requiring the posting of security for the seizure and impoundment of animals (House, No. 1969, changed); Animals.

Relative to at risk dogs (House, No. 1977); Risk dogs.

Relative to retiree life insurance (House, No. 2361); Life insurance.

Promoting traditions and diversity of all citizens of the Commonwealth (House, No. 3141); Diversity.

Designating a portion of Interstate 290 as the Michael Simonelli and Michael Gabriele overpass (House, No. 3171); Route 290,—overpass.

Relative to precautions at railroad crossings (House, No. 3206); Crossings.

Punishing interference with the safe operation of trains and other certain common carriers (House, No. 3226); Rail vehicles.

Relative to the regulation of animal shelters (House, No. 3703); Pet shelters.

Authorizing the government employers in the county of Dukes County to establish a pooled other post-employment benefits trust fund (House, No. 4105); Dukes County.

Authorizing the Dukes County contributory retirement system to grant certain retirement benefits (House, No. 4174); Id.

Expanding the residency reference afforded under the civil service law to candidates for appointment as Brookline police officers to include graduates of Brookline high school (House, No. 4197) [Local Approval Received]; Brookline Police.

Authorizing the treasurer of the town of Dennis to borrow in anticipation of reimbursement from betterments assessed (House, No. 4244) [Local Approval Received]; Dennis,—borrowing.

Establishing a shellfish mitigation receipts reserve for appropriation fund in the town of Dennis (House, No. 4245) [Local Approval Received]; Dennis,—shellfish.

Relative to the Brewster board of water commissioners (House, No. 4279) [Local Approval Received]; Brewster.

Naming a certain bridge in the town of Dalton (House, No. 4325); Dalton.

Relative to naming the portion of state highway Route 140 located in the town of Upton as the George L. Woods Veterans of Foreign Wars Post #5594 and the Marshall-Leland American Legion Post #173 roadway (House, No. 4334); Upton,—Route 140.

Relative to the position of appointed treasurer-collector in the town of Freetown (House, No. 4415) [Local Approval Received]; Freetown.

Relative to national heritage commissions and corridors in the Commonwealth (House, No. 4492); Heritage commissions.

Mitigation program.

Relative to the Bayswater mitigation program (House, No. 4511); and

Thomas Troy.

Establishing a sick leave bank for Thomas Troy (House, No. 4530);

Severally placed in the Orders of the Day for the next sitting for a second reading.

Engrossed Bills.

Bills enacted.

Designating a certain bridge in the town of Uxbridge as the Titus Ebbeling Memorial Bridge (see Senate, No. 2159) (which originated in the Senate); and

Relative to elections in the town of Wayland (see House, No. 4256) (which 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.

Orders of the Day.

Floor finishing products.

The House Bill relative to floor finishing products (House, No. 2304) 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. Wash of Boston moved to amend it by substitution of a bill with the same title (House, No. 4565), which was read.

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

Order.

On motion of Ms. Ferrante of Gloucester,—

Next sitting.

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

At sixteen minutes after eleven o'clock A.M., on motion of Mrs. Poirier of North Attleborough (Ms. Reinstein of Revere being in the Chair), the House adjourned, to meet the following Thursday at eleven o'clock A.M.

Thursday, March 18, 2010.

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

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

Prayer.

Eternal God, Who is without beginning of days or end of years, forever the same, we take a moment to offer a prayer to You for guidance as we take up the items on today's legislative calendar. In Your goodness, inspire us to make legislative decisions and to select legislative options which are reasoned, responsible and ethical. We also look to You for assistance as we try to develop the gift of patience in listening to constituents and associates in addressing current difficult issues. In a creative and objective manner, may we work together in serving the best human and spiritual interests of the people and the Commonwealth. May we continue to build confidence and hope in our constituents, each other and in the future of the people. Wallace C. Mills, former House Clerk, died yesterday. Please remember him in your prayers and thoughts.

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

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.

Resolutions.

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

Raymond A. Nasuti.

Resolutions (filed by Mr. Vallee of Franklin) honoring firefighter Raymond A. Nasuti on the occasion of his retirement;

Sarcoma Awareness.

Resolutions (filed by Ms. Hogan of Stow) recognizing Sarcoma Awareness Week; and

David Spencer.

Resolutions (filed by Ms. Hogan of Stow) honoring David Spencer;

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 Ms. Hogan, 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.

Westford,—land.

The House Bill authorizing the lease of certain agricultural land in the town of Westford (House, No. 4193) 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 following:

Westford,—land.

"SECTION 1. Notwithstanding any general of special law to the contrary, the town of Westford, acting by and through its conservation commission, may lease a portion of the Day Agricultural and Conservation land, shown on Westford assessors' map 26 as parcel 37, for agricultural purposes for not more than 10 years. The lease shall be subject to subsections (a), (b) and (g) of section 16 of chapter 30B of the General Laws and shall be on such terms and conditions as the conservation commission may determine. No lease agreement shall be valid unless it provides that the property shall be used solely for agricultural purpose.

SECTION 2. This act shall take effect upon its passage.".

Under suspension of Rule 35, on motion of Mr. Arciero of Westford, 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.

Yacht clubs,—land.

The House Bill authorizing the lease of land to yacht clubs (House, No. 4346) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out sections 1 and 2 and inserting in place thereof the following two sections:

"SECTION 1. Notwithstanding sections 40E to 40I inclusive, of chapter 7 of the General Laws or any other general or special law to the contrary, the commissioner of capital asset management and maintenance may, in consultation with the commissioner of conservation and recreation, lease or enter into other agreements for a term not to exceed 30 years with an organization currently operating a yacht club or other boating facility on public park land under the care and control of the department of conservation and recreation for the land and appurtenances associated therewith used by the yacht club or boating organization as shown in existing records of the department. This authorization shall only apply to the following yacht clubs and other boating organizations and facilities: the Union Boat Club in the city of Boston; the Cambridge Boat Club in the city of Cambridge; the Riverside Boat Club in the city of Cambridge; the Buckingham, Browne & Nichols Boat House in the city of Cambridge; the Massachusetts Institute of Technology Boat House in the city of Cambridge; the Belmont Hill/Winsor Boat House in the city of Cambridge; the Tufts University Boat Club in the city of Medford; the Harvard Sailing Pavilion in the city of Cambridge; the Boston University Sailing Pavilion in the city of Boston; the Massachusetts Institute of Technology Sailing Pavilion in the city of Cambridge; the Puritan Canoe Club in the city of Boston; the Neponset Valley Yacht Club in the city of Milton; the Wollaston Yacht Club in the city of Quincy; the Squantum Yacht Club in the city of Quincy; the South Shore Yacht Club in the city of Weymouth; the Charlesgate Yacht Club in the city of Cambridge; the Charles River Yacht Club in the city of Cambridge; the Newton Yacht Club in the city of Newton; the Columbia Yacht Club in the city of Boston; the South Boston Yacht Club in South Boston section of the city of Boston; the Riverside Yacht Club in the city of Medford; the Medford Boat Club in the city of Medford; the Mystic Wellington Yacht Club in the city of Medford; the Watertown Yacht Club in the city of Watertown; the East Boston Yacht Club in East Boston section of the city of Boston;

the Dorchester Yacht Club in the Dorchester section of the city of Boston; the Boston Harbor Yacht Club in the city of Boston; the Blessing of the Bay Boat House; the Winter Hill Yacht Club in the city of Somerville; and the Boston University DeWolfe Boat House in the city of Cambridge. Before entering into a lease or other agreement under this section the commissioner of capital asset management and maintenance shall, in consultation with the commissioner of the department of conservation and recreation, determine the exact boundaries of each parcel after completion of a survey. There shall be, at the discretion of the division of capital asset management and maintenance in accordance with the original contract terms and conditions or contract terms and conditions more favorable to the commonwealth, an option for extension of the lease or other agreement for 5 years.

SECTION 2. Notwithstanding sections 40E to 40I, inclusive, of chapter 7 of the General Laws or any other general or special law rule or regulation to the contrary, the leases or other agreements executed under section 1 shall be on terms and conditions and consideration acceptable to the commissioner of capital asset management and maintenance after consultation with the commissioner of conservation and recreation; provided, however, that said lease or other agreement shall provide, without limitation, that: (i) the lessees shall manage, operate, improve, repair and maintain the land and appurtenances associated therewith during the term of the lease; (ii) the lessee shall carry comprehensive general liability insurance naming the commonwealth as a co-insured, protecting the commonwealth against all claims for personal injury or property damage arising from land and appurtenances associated therewith during the term of the lease; (iii) the lessee shall provide appropriate public access to public park land; (iv) the lessee shall be responsible for outreach and stewardship; and (v) the lessee shall not design or construct any facilities on the parcel without the written approval of the commissioner of capital asset management and maintenance and the commissioner of conservation and recreation; provided, however, that the commissioner of capital asset management and maintenance and the commissioner of conservation and recreation shall not approve any design or construction project under this section unless the commissioners have determined that the lessee has sufficient financial resources to complete the project. In determining the consideration for any lease or other agreement pursuant to this section, the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, shall develop a methodology for setting a fair rental payment and with due regard to the criteria used by the department of conservation and recreation for setting existing permit fees for yacht and boating facilities identified in section 1. If a specific lessee does not agree with the rental payment methodology, then the consideration for the lease of that specific parcel shall be the full and fair market value of the parcel as determined by the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, under 1 or more independent professional appraisals contracted by the division.”.

Under suspension of Rule 35, on motion of Mr. Pedone of Worcester, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Lawrence,—financial stability.

The House Bill providing for the financial stability of the city of Lawrence (House, No. 4516, amended) came from the Senate passed to be engrossed, in concurrence, with amendments in section 2, in line 20, inserting after the words "with the approval of" the words "the secretary and"; in section 4, striking out the following two paragraphs:

"(8) approve the annual or supplemental budgets of the city and the school committee; and

(9) report to the secretary monthly on the progress made towards reducing the city's capital and structural deficits." (as amended by the House) and inserting in place the following three paragraphs:

"(8) approve the annual or supplemental budgets of the city and the school committee;

(9) report monthly to the secretary and house and senate committees on ways and means on the progress made towards reducing the city's capital and structural deficits; and

(10) report quarterly to the secretary and house and senate committees on ways and means on expenditures made from the loan fund, including the amounts and purposes of expenditures for personnel costs, contracted personnel costs or consultant fees."; striking out section 6 and inserting in place thereof the following section:

"SECTION 6. The fiscal overseer shall report in writing, including the underlying reasons, to the secretary if city cannot set a tax rate for fiscal year 2011 by January 31, 2011.

The fiscal overseer shall report in writing to the secretary if the overseer concludes that the city: (i) is unable to achieve a balanced budget; (ii) faces a fiscal crisis that poses an imminent danger to the safety of the citizens of the city and their property; or (iii) will not achieve fiscal stability without the assistance of a finance control board.

If the fiscal overseer believes, at any time, that a finance control board should be appointed, the fiscal overseer may report that belief to the secretary.

If the fiscal overseer reports to the secretary under subsections (a), (b) or (c), the secretary shall immediately abolish the overseer and appoint a finance control board.

A finance control board appointed under this section shall have all of the powers and duties set forth in section 7.

At any time after July 1, 2011 and while debt issued under this act is outstanding, if a finance control board has not been appointed and if the secretary, in the secretary's sole discretion, determines that the city has taken steps necessary to achieve long-term fiscal sustainability and no longer requires active state oversight, the secretary may abolish the overseer.

If the director notifies the secretary in writing that the city is unable to achieve a balanced budget or set a tax rate at any time after the removal of the overseer and while the debt issued under this act is

still outstanding, then the secretary shall establish a finance control board under section 7.";

In section 8, in line 247, inserting after the words "upon abolition of" the words "the overseer or", in lines 259 and 260, striking out the sentence contained therein and inserting in place the following sentence: "The mayor shall appoint the officer from a list of 3 names submitted by the secretary, for a term of not more than 3 years, as provided in this subsection."; and inserting after section 10 the following two sections:

"SECTION 10A. (a) If the board established by section 6 concludes that its powers are insufficient to restore fiscal stability to the city, it shall so notify the secretary, and shall forward to the secretary a statement of the reasons why it has been unable to restore fiscal stability to the city. Upon receipt of such statement, the secretary shall recommend to the governor that the governor file legislation immediately to terminate the existence of the board, notwithstanding section 6, and the secretary shall provide the governor with the recommended legislation under subsection (b).

(b) The legislation provided by the secretary shall include but not be limited to:—

(1) the appointment of a receiver who shall have all powers of the finance control board under section 7, which shall continue in the receiver and shall remain through the period of any receivership, the recommended term for the receivership and authorization for the secretary to, at any time and without cause, remove the receiver and appoint a successor or terminate the receivership;

(2) the power to exercise any function or power of any municipal officer or employee, whether elected or otherwise, specifically including the following powers relative to building and zoning:

(i) to order the laying out, locating anew or discontinuing of streets and ways within the city;

(ii) to regulate the construction of buildings;

(iii) to implement such changes to the city's zoning ordinance as are necessary; provided, however, that the zoning ordinance continues to promote public safety, health and welfare; provided, further, that no zoning change shall affect or interfere with the integrity of existing residential districts; provided, further, that no such proposed zoning changes shall restrict structures or uses lawfully existing or lawfully begun before the effective date of the zoning change; and

(3) the power to file a petition in the name of the city under Chapter 9 of Title 11 of the United States Code, and to act on the city's behalf in any such proceeding; and

(4) the abolition of the office of mayor and provide that the receiver shall exercise all the powers of the mayor under the General Laws, special laws, the city charter and ordinances; provided, however, that other elected officials of the city shall continue to be elected in accordance with the city charter, and shall serve solely in an advisory capacity to the receiver.

The secretary shall determine the salary of the receiver, which salary shall be payable by the city.

Lawrence,— financial stability.

(c) The procedure for implementing changes in zoning ordinances as provided in section 5 of chapter 40A of the General Laws shall not govern such changes in the city during the time the receiver is in operation.

(d) The receiver shall not implement a zoning change until a public hearing has been held at which interested persons shall have an opportunity to be heard. The public hearing shall be held within 60 days after the date on which the board originally proposed the zoning change. Notice of the time and place of the public hearing, of the subject matter sufficient for identification, and of the place where texts and maps of the zoning change may be inspected shall be published in a newspaper of general circulation in the city once in each of 2 successive weeks; with the first such publication taking place no fewer than 14 days before the day of the hearing. Notice of the public hearing shall also be posted in a conspicuous place in city hall for no fewer than 14 days before the day of the hearing.

(e) Notice of a proposed zoning change under this section shall be sent to any nonresident property owner who files an annual request for such notice with the city clerk no later than January 1 for the upcoming year. The receiver shall establish a reasonable fee to cover the cost of providing these notices.

SECTION 10B. Notwithstanding chapter 150E of the General Laws or any other general or special law to the contrary, a collective bargaining agreement entered into by the city or the school department after the effective date of this act shall be subject to the approval of the overseer or finance control board if the overseer or finance control board is in effect at the time. No collective bargaining agreement shall be approved under this section unless the overseer or finance control board provides written certification to the secretary that after an evaluation of all pertinent financial information reasonably available, the city's financial resources and revenues are, and will continue to be, adequate to support such collective bargaining agreement without a detrimental impact on the continuous provision of the existing level of municipal services. A decision, by the overseer or finance control board, to disapprove of a collective bargaining agreement under this section shall be made in a report to the parties; provided, however, that the report shall specify the disapproved portions of the agreement and the supporting reasons for the disapproval.".

Under suspension of the rules, on motion of Mr. Torrisi of North Andover, the amendments were considered forthwith; and they were adopted, in concurrence.

Milton,— skating rink.

A Bill authorizing the lease of the Max Ulin Skating Rink (Senate, No. 2327) (on Senate, No. 2310), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Denis Cailler, — sick leave.

A Bill to establishing a sick leave bank for Denise Cailler, an employee of the Trial Court (Senate, No. 2241) (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.

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 following petitions:

Petition (accompanied by bill) of Christopher G. Fallon, Paul J. Donato and Stephen Stat Smith for legislation to establish a sick leave bank for Stephanie Savini, an employee of the Department of the Trial Court. To the committee on the Judiciary.

Stephanie Savini,— sick leave.

Joint petition (accompanied by bill) of Stephen Kulik and Benjamin B. Downing for legislation to establish a sick leave bank for Judith R. Abraham, an employee of the Department of Developmental Services.

Judith R. Abraham,— sick leave.

Joint petition (accompanied by bill) of Paul K. Frost and Michael O. Moore for legislation to establish a sick leave bank for Meridyth L. Reith, an employee of the Department of Environmental Protection.

Meridyth L. Reith,— sick leave.

Joint petition (accompanied by bill) of Todd M. Smola, Stephen M. Brewer and Anne M. Gobi for legislation to establish a sick leave bank for Frances Bonnayer, an employee of the Department of Transportation.

Frances Bonnayer,— sick leave.

Severally to the committee on Public Service.

Petition (accompanied by bill) of William Smitty Pignatelli, Stephen Kulik and others for legislation to restrict callers from using certain automatic dialing devices for sending information to subscribers of telephone services. To the committee on Telecommunications, Utilities and Energy.

Automatic dialing devices.

Under suspension of the rules, on motion of Mr. Costello of Newburyport, the reports were considered forthwith. Joint Rule 12 was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, on a petition, a Bill creating a task force to study the use of the internet by sex offenders (House, No. 2235).

Sex offenders.

By the same member, for the same committee, on a petition, a Bill relative to establishing a commission to study the reorganization of municipal public safety agencies (House, No. 2236).

Municipal public safety agencies.

Severally read; and referred, under Joint Rule 29, to the committee on Rules of the two branches, acting concurrently.

By Mr. Binienda of Worcester for the committees on Rules of the two branches, acting concurrently, that the following bills ought to pass:

To establish an Alzheimer's state plan commission (House, No. 533);

Alzheimers.

Relative to a special commission on seafood marketing (House, No. 706, changed);

Seafood marketing.

Establishing a special commission on gender-responsive programming for system-involved girls (House, No. 3418); and

Gender programming.

To study the need for drug rehabilitation for department of children and families' clients (House, No. 3419);

Drug rehabilitation.

Severally referred, under Rule 33, to the committee on Ways and Means.

State colleges.

By Mr. Torrisi of North Andover, for the committee on Higher Education, on Senate, No. 2162 and House, Nos. 449 and 1109, a Bill relative to changing the name state college to state university (House, No. 4560) [Senator Rosenberg and Representative Provost of Somerville, dissenting.]

Firearms,—exemptions.

By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, on House Nos. 541 and 2204, a Bill authorizing the licensing of firearms for persons 70 years of age or older (House, No. 541).

Fire equipment.

By the same member, for the same committee, on House Nos. 2193 and 2211, a Bill relative to a fire equipment grant program (House, No. 2211).

Boat safety.

By the same member, for the same committee, on a petition, a Bill relative to mandatory boating safety education (House, No. 2244).

Municipal loan fund.

By the same member, for the same committee, on a petition, a Bill establishing a municipal public safety facilities loan fund (House, No. 2266).

Police,—bulletproof vests.

By the same member, for the same committee, on a petition, a Bill authorizing reimbursement grants for bullet proof vests for certain police officers (House, No. 2275).

Disaster relief.

By the same member, for the same committee, on a petition, a Bill establishing a permanent disaster relief fund (House, No. 2279).

Law enforcement fund.

By the same member, for the same committee, on a petition, a Bill establishing the Massachusetts law enforcement memorial fund (House, No. 2285).

Sheriffs,—information.

By the same member, for the same committee, on a petition, a Bill relative to information sharing (House, No. 2286).

Fire marshal,—investigations.

By the same member, for the same committee, on a petition, a Bill relative to investigations of fires and explosions by the State Fire Marshal (House, No. 2292).

Wireless phones.

By Mr. Kaufman of Lexington, for the committee on Revenue, on a petition, a Bill relative to prepaid wireless phones (House, No. 4514, changed in section 1, in line 12, by inserting after the word "Laws" the following: "; and provided further that notwithstanding any general or special law to the contrary, the department of revenue shall remit all surcharges collected to the state treasurer for deposit in the Enhanced 911 Fund".).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Franklin foundation.

By Mr. Torrisi of North Andover, for the committee on Higher Education, on a petition, a Bill further defining the membership of the Franklin Foundation (House, No. 4343) [Local Approval Received].

School buses,—seat belts.

By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, on Senate, No. 957 and House, Nos. 2199, 2251 and 2301, a Bill relative to seat belts on school buses (House, No. 2199).

Shotguns.

By the same member, for the same committee, on a petition, a Bill relative to the use of shotguns (House, No. 2232).

Gaming officials.

By the same member, for the same committee, on a petition, a Bill for the protection of gaming officials (House, No. 2234).

Private security.

By the same member, for the same committee, on a petition, a Bill regulating uninformed private security firms (House, No. 2272).

By the same member, for the same committee, on a petition, a Bill further regulating exits in sports complexes (House, No. 2283, changed in line 6 by striking the words "to all emergency exits" and inserting in place the following "or photo luminescent system to clearly delineate egress routes leading to all exits, including traditional, emergency and evacuation routes"). Sports complexes,— exits.

By the same member, for the same committee, on a petition, a Bill providing appropriate public safety protections for security system user information (House, No. 3480). Public safety,— information.

By the same member, for the same committee, on a petition, a Bill relative to private swimming pools (House, No. 3927). Swimming pools.

By the same member, for the same committee, on a petition, a Bill to maintain the integrity of police investigations (House, No. 4392). Police investigations.

By Mr. Kaufman of Lexington, for the committee on Revenue, on a petition, a Bill relative to property tax exemptions in the town of Ashland (House, No. 1904, changed by adding the following section: Ashland,— tax exemptions.

"SECTION 2. This act shall take effect on June 1, 2010.). [Local Approval Received].

By the same member, for the same committee, on Senate, Nos. 1228 and 2292 and House, Nos. 2854 and 3605, a Bill relative to resident property tax exemptions (House, No. 4566). Property tax exemptions.

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

By Mr. Kaufman of Lexington, for the committee on Revenue, ought NOT to pass, on the joint petition (accompanied by bill, House, No. 3854) of Steven J. D'Amico, Patricia D. Jehlen and others relative to motion picture tax credits. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Motion picture tax credits.

Engrossed Bills.

Designating a certain bridge in the town of Uxbridge as the Titus Ebbeling Memorial Bridge (see House, No. 2852); and Bills enacted.

Relative to elections in the town of Wayland (see House, No. 4469);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Recess.

At twenty-four minutes after eleven o'clock A.M., on motion of Mr. Galvin of Canton (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at seventeen minutes after one o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair. Recess.

Quorum.

Mr. Jones of North Reading thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum. Quorum.

Quorum,—yea and nay No. 296.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 147 members were recorded as being in attendance.

[See Yea and Nay No. 296 in Supplement.]

Therefore a quorum was present.

Motion to Suspend Rule 24 (2).

Local Aid Resolutions.

Mr. Jones of North Reading moved that Rule 24 (2) be suspended so that he might offer, from the floor, Resolutions (filed by him and other members of the House) providing for a declaration of the intent of the House of Representatives relative to the amount and distribution of Local Aid to the Commonwealth's cities and towns and regional school districts for fiscal year 2011; provided, further that timely notice to cities, towns and regional school districts relative to the amounts of school and unrestricted government and distributions is essential for an orderly and rational budget process at the local level.

After debate the motion to suspend Rule 24 (2) was negatived; and the resolutions were referred, under said rule, to the committee on Rules.

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

Reorganization Plan No. 2 of 2010.

The Reorganization Plan No. 2 of 2010 (submitted by His Excellency the Governor under the provisions of Article LXXXVII of the Amendments to the Constitution) relative to reorganizing certain agencies of the Executive Department (see House, No. 4541), was discharged from its position in the Orders of the Day and considered forthwith under suspension of Rule 47, on motion of Mr. Walsh of Lynn.

Reorganization Plan approved,—yea and nay No. 297.

On the question on approval of the reorganization plan, 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 0 in the negative.

[See Yea and Nay No. 297 in Supplement.]

Therefore the House approved Reorganization Plan No. 2 of 2008.

Orders of the Day.

Reorganization Plan No. 1 of 2010.

The Reorganization Plan No. 1 of 2010 (submitted by His Excellency the Governor under the provisions of Article LXXXVII of the Amendments to the Constitution) relative to reorganizing certain agencies of the Executive Department (see House, No. 4447), was considered. The House then refused to approve the reorganization plan.

Third reading bills.

Senate bills

Establishing the position of town clerk in the town of Charlemont (Senate, No. 2130, amended);

Authorizing the town of Greenfield to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2258); and

Authorizing the town of Greenfield to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2259);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

House bills

Relative to special police officers in the town of Greenfield (House, No. 636);

Third reading bills.

Exempting the harbor and shellfish advisory board of the town of Nantucket from certain conflict of interest laws (House, No. 1126) (its title having been changed by the committee on Bills in the Third Reading);

Authorizing the Southwick Zoo to erect certain signs (House, No. 3213) (its title having been changed by the committee on Bills in the Third Reading); and

Designating a certain bridge in the town of Clinton as the Arthur J. Mayou Memorial Bridge (House, No. 3280) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Senate bills

Authorizing the town of Winchendon to continue the employment of Allen J. Lafrennie as fire chief (Senate, No. 2066);

Second reading bills.

Amending the charter in the town of Stoughton relative to filling vacancies among town meeting representatives (Senate, No. 2238);

To improve juror service (Senate, No. 2264);

To improve juror service responses (Senate, No. 2265); and

Establishing a sick leave bank for Candice Caby, an employee of the Trial Court (Senate, No. 2273, amended); and

House bills

Authorizing the town of Oxford to grant an additional license for the sale of alcohol (printed as Senate, No. 2196);

Relative to the disclosure of information held by the disabled persons protection commission pursuant to general laws Chapter 19C (House, No. 142);

Relative to out of state child support (House, No. 184);

Creating smoke free elderly housing units in the Commonwealth (House, No. 1243);

Opposing unnecessary language restrictions in the workplace (House, No. 1851);

Relative to provide funds for ADA compliance in cities and towns (House, No. 1965);

Requiring the posting of security for the seizure and impoundment of animals (House, No. 1969, changed);

Relative to at risk dogs (House, No. 1977);

Designating a portion of Interstate 290 as the Michael Simonelli and Michael Gabriele overpass (House, No. 3171);

Relative to precautions at railroad crossings (House, No. 3206);

Second reading bills.

Punishing interference with the safe operation of trains and other certain common carriers (House, No. 3226);

Relative to the regulation of animal shelters (House, No. 3703);

Authorizing the government employers in the county of Dukes County to establish a pooled other post-employment benefits trust fund (House, No. 4105);

Authorizing the Dukes County contributory retirement system to grant certain retirement benefits (House, No. 4174);

Expanding the residency reference afforded under the civil service law to candidates for appointment as Brookline police officers to include graduates of Brookline high school (House, No. 4197);

Authorizing the treasurer of the town of Dennis to borrow in anticipation of reimbursement from betterments assessed (House, No. 4244);

Establishing a shellfish mitigation receipts reserve for appropriation fund in the town of Dennis (House, No. 4245);

Relative to the Brewster board of water commissioners (House, No. 4279);

Naming a certain bridge in the town of Dalton (House, No. 4325);

Relative to naming the portion of state highway Route 140 located in the town of Upton as the George L. Woods Veterans of Foreign Wars Post #5594 and the Marshall-Leland American Legion Post #173 roadway (House, No. 4334);

Relative to the position of appointed treasurer-collector in the town of Freetown (House, No. 4415);

Relative to national heritage commissions and corridors in the Commonwealth (House, No. 4492);

Relative to the Bayswater mitigation program (House, No. 4511); and

Establishing a sick leave bank for Thomas Troy (House, No. 4530).

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

Second reading bill amended.

The House Bill relative to time-share ownership (House, No. 1287) was read a second time.

The amendment previously recommended by the committee on Consumer Protection and Professional Licensure,— that the bill be amended by substitution of a bill with the same title (House, No. 4496),— was adopted.

The substituted bill then was ordered to a third reading.

Id.

The House Bill relative to designating a certain motor vehicle plate assignment (House, No. 3253) was read a second time.

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. 4515),— was adopted.

The substituted bill then was ordered to a third reading.

Second reading resolve amended.

The House Resolve to further extend the time within which the special commission established to investigate, study and designate

1,000 great places in the Commonwealth shall file its final report (House, No. 4424) was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the resolve be amended by substitution of a resolve with the same title (House, No. 4496),— was adopted.

The substituted resolve then was ordered to a third reading.

Reports of Committees.

Optometric care.

A report of the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Senate Bill further regulating the practice of optometry (Senate, No. 1756) and recommending that the same be referred to the committee on Ways and Means, was considered forthwith, under Rule 42.

The report was not accepted; and, under suspension of the rules, on motion of Mr. Kafka of Stoughton, the bill was read a second time; and it was ordered to a third reading.

Food Policy Council.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the House Bill establishing the Massachusetts Food Policy Council (House, No. 4255) ought to pass with an amendment, substituting therefore a bill with the same title (House, No. 4568). 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 said rule, on motion of the same member, the bill was read a second time forthwith.

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

Woburn,— recreational land.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill relative to use of a parcel of land in the city of Woburn for recreational purposes (House No. 4449) 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, under suspension of the rules, on motion of Mr. Kaufman of Lexington, the bill (having been reported by the committee on Bills in the Third Reading to 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 relative to the use of a parcel of land in the city of Woburn for recreational purposes". Sent to the Senate for concurrence.

Quorum.

Quorum.

Mr. Hill of Ipswich then asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,— yea and nay No. 298.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 150 members were recorded as being in attendance.

[See Yea and Nay No. 298 in Supplement.]

Therefore a quorum was present.

Reports of Committees.

Prior to the noon recess,—

Schools,— bullying.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill relative to bullying in schools (Senate, No. 2323) ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4567. 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 said rule, on motion of the same member, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the bill (Senate, No. 2323, amended) was ordered to a third reading.

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

After remarks on the question on passing the bill to be engrossed, in concurrence, Ms. Clark of Melrose moved to amend it in line 59 by inserting after the word "develop" the word ", adhere", and in line 131 by inserting after the word "bullying" the words "; provided further that such regulations shall require a member of a school staff, including but not limited to an educator, administrator, school nurse, cafeteria worker, custodian, bus driver and paraprofessional, to immediately report any instance of bullying or retaliation he has witnessed or become aware of to the school principal or to the school official identified in the bullying prevention and intervention plan as responsible for receiving such reports or both". After debate the amendments were adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by adding the following section:

"SECTION 9. Chapter 71 of the General Laws, as most recently amended by chapter 27 of the acts of 2009, is hereby amended by inserting after section 91, the following new section:—

Section 92. Every public school providing computer access to students shall have a policy regarding internet safety measures and shall notify the parents or guardians of all students attending the school of the policy. Establishing the policy and any standards and rules enforcing the policy shall be prescribed by the school committee in conjunction with the superintendent or the board of trustees of a commonwealth charter school.".

The amendment was adopted.

Mr. Donelan of Orange then moved to amend the bill in line 62 by inserting after the word "guardians" the words "and district attorney's office".

After remarks the amendment was adopted.

Mr. Koutoujian of Waltham then moved to amend the bill in line 141 by inserting after the figures "12" the words "and during school sponsored extracurricular activities"; and the amendment was rejected.

Mr. Patrick of Falmouth then moved to amend the bill by inserting after section 2 the following section:

"SECTION 2A. Designate the 4th Wednesday in January as 'No Name Calling Day' in the Commonwealth of Massachusetts. This day shall be set aside annually to educate the public as to the devastating effects of verbal bullying. Encouraging positive dialogue and pledging not to name call on this designated day reaffirms the commitment of the citizens of the Commonwealth to basic human rights and dignity while respecting differences and promoting tolerance.".

After remarks the amendment was adopted.

Mr. Smizik of Brookline then moved to amend the bill in line 19 by inserting after the word "the" the word "intentional", in line 20 by striking out the word "that" and inserting in place thereof the words ", which a reasonable person should know", and in line 24 by inserting after the word "school." the following sentence: "In determining whether bullying has occurred school administrators shall consider whether there exists between the alleged perpetrator or perpetrators and the target a real imbalance of power or one that a reasonable person familiar with the context would perceive, as evidenced by such factors as physical size or strength, status within the peer group, psychological advantage, age, disability, relative numbers or such other specific and objective factors as school administrators may identify.".

Amendments rejected,—yea and nay No. 299.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 8 members voted in the affirmative and 143 in the negative.

[See Yea and Nay No. 299 in Supplement.]

Therefore the amendment was rejected.

Ms. Balser of Newton then moved to amend the bill in line 141 by inserting after the year "2011." the following sentence: "The department of elementary and secondary school education shall also publish guidelines for the implementation of social emotional learning for afterschool sports programming.".

The amendment was adopted.

Mr. Koutoujian of Waltham and other members of the House then moved to amend the bill by inserting after section 5 the following four sections:

"SECTION 5A. Section 43 of chapter 265 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:—

Schools,—bullying.

(a) Whoever (1) willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress, and (2) makes a threat with the intent to place the person in imminent fear of death or bodily injury, shall be guilty of the crime of stalking and shall be punished by imprisonment in the state prison for not more than 5 years or by a fine of not more than $1,000, or imprisonment in the house of correction for not more than 2½ years or both. Such conduct, acts or threats described in this subsection shall include, but not be limited to, conduct, acts or threats conducted by mail or by use of a telephonic or telecommunication device or electronic communication device including, but not limited to, any device that transfers signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

SECTION 5B. Section 43A of said chapter 265, as so appearing, is hereby amended by striking out paragraph (a) and inserting in place thereof the following paragraph:—

(a) Whoever willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person, which seriously alarms that person and would cause a reasonable person to suffer substantial emotional distress, shall be guilty of the crime of criminal harassment and shall be punished by imprisonment in a house of correction for not more than 2½ years or by a fine of not more than $1,000, or by both such fine and imprisonment. Such conduct or acts described in this paragraph shall include, but not be limited to, conduct or acts conducted by mail or by use of a telephonic or telecommunication device or electronic communication device including, but not limited to, any device that transfers signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

SECTION 5C. Section 13B of Chapter 268 of the General Laws is hereby amended by inserting in after the first sentence in subsection 3 the following paragraph:—

Such conduct or acts described in this paragraph shall include, but not be limited to, conduct or acts conducted by mail or by use of a telephonic or telecommunication device or electronic communication device including but not limited to any device that transfers signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

SECTION 5D. Chapter 269 of the General Laws is hereby amended by striking out section 14A and inserting in place thereof the following section:—

Section 14A. Whoever telephones another person or contacts another person by electronic communication, or causes a person to be telephoned or contacted by electronic communication, repeatedly, for the sole purpose of harassing, annoying or molesting the person or the person's family, whether or not conversation ensues, or whoever telephones or contacts a person repeatedly by electronic communication and uses indecent or obscene language to the person, shall be punished by a fine of not more than $500 or by imprisonment for not more than 3 months, or both.

For purposes of this section, 'electronic communication' shall include, but not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system.".

Amendment adopted,—yea and nay No. 300.

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Koutoujian; and on the roll call (Mr. Mariano of Quincy being in the Chair) 147 members voted in the affirmative and 2 in the negative.

[See Yea and Nay No. 300 in Supplement.]

Therefore the amendment was adopted.

Mr. deMacedo of Plymouth then moved to amend the bill in line 79 by inserting after the word "criminal" the words "activity is involved and criminal"; and the amendment was adopted.

The same member then moved to amend the bill in line 83 by inserting after the word "students." the following sentence: "The bullying prevention and intervention plan shall afford all students the same protection regardless of their status under the law."; and the amendment was adopted.

Ms. Peake of Provincetown then moved to amend the bill in line 88 by striking out the word "may" and inserting in place thereof the word "shall", in line 98 by inserting after the words "cyber-bullying." the following sentence: "The department shall identify and offer information on alternative methods for fulfilling the professional development requirements of this section, at least 1 of which shall be available at no cost to school districts, charter schools, approved private day or residential schools and collaborative schools."; and by adding the following two sections:

"SECTION 10. The department of elementary and secondary education shall issue a report detailing cost effective ways to implement the professional development requirements in subsection (d) of section 70O of chapter 71 of the General Laws; provided, further, that the report shall: (i) include an option available at no cost to school districts, charter schools, approved private day or residential schools and collaborative schools, (ii) explore the feasibility of an option for a train the trainer model with demonstrated success and online professional development, and (iii) include any other options which may be cost effective; provided, further, that the report shall include a cost estimate for the professional development; and provided, further, that the report shall be provided to the clerks of the senate and house of representatives who shall forward the same to the chairs of the house and senate committees on ways and means

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and the house and senate chairs of the joint committee on education not later than August 31, 2010.

SECTION 11. The fourth paragraph of subsection (d) of section 70O of Chapter 71 of the General Laws shall take effect for the 2011-2012 academic year.".

Amendments adopted,— yea and nay No. 301.

After remarks on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 150 members voted in the affirmative and 2 in the negative.

[See Yea and Nay No. 301 in Supplement.]

Therefore the amendments were adopted.

Ms. Peisch of Wellesley then moved to amend the bill be amended in line 55 by inserting after the word "prohibited." the following sentence: "Nothing contained herein shall require school districts to staff any non-school related activities, functions, or programs.". The amendment was adopted.

Ms. Wolf of Cambridge then moved to amend the bill be amended in line 125 by inserting after the word "schools." the following sentence: "Said model bullying prevention and intervention plan shall be consistent with and organized according to the schools and behavioral health framework developed by the department of elementary and secondary education in accordance with Section 19 of Chapter 321 of the acts of 2008.". The amendment was adopted.

Mr. Linsky of Natick then moved to amend the bill in line 18 by inserting after the word "meaning:" the following definition:—

" 'Approved private day or residential school', a school, through agreement with a school committee, that accepts a child requiring special education pursuant to section 10 of chapter 71B.", in line 31 by inserting after the word "communications." the following definition:—

" 'Collaborative school', a school operated by an educational collaborative established pursuant to section 4E of chapter 40.", in lines 41, 48, 84, 85 and 86 and 115 and 116, by striking out the words "school district or charter school" and inserting in place thereof, in each instance, the words "school district, charter school, or an approved private day or residential school or collaborative school with whom a school committee has provided or arranged to provide alternative or special education services", in lines 56, 59, 104, 108, 112 and 147, by striking out the words "school district and charter school" and inserting in place thereof, in each instance, the words "school district, charter school, and approved private day or residential schools or collaborative schools with whom a school committee has provided or arranged to provide alternative or special education services", in lines 123 and 136, by striking out the words "school districts and charter schools" and inserting in place thereof, in each instance, the words "school districts, charter schools, and approved private day or residential schools or collaborative schools with whom a school committee has provided or arranged to provide alternative or special education services", and in line 148 by striking out the word "charter".

Amendments adopted,—

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the

same member; and on the roll call (Mr. Mariano of Quincy being in the Chair) 149 members voted in the affirmative and 1 in the negative. yea and nay No. 302.

[See Yea and Nay No. 302 in Supplement.]

Therefore the amendments were adopted.

Ms. Provost of Somerville then moved to amend the bill in line 37 by striking out the words "student or students" and inserting in place thereof the words "individual or individuals". After remarks the amendment was rejected.

Mr. Cabral of New Bedford then moved to amend the bill by inserting after section 3 the following section:

"SECTION 3A. Said chapter 71 is hereby amended by inserting at the end of line 5 the following:— and shall inform all staff of the reporting requirements for bullying contained in section 37O of this chapter."; and in line 55 by inserting after the word "prohibited." the following three paragraphs:

"(b½) Any teacher, school staff or administrator of a school that is required to adopt a bullying prevention and intervention plan pursuant to section (d), or any employee of an entity hired by such a school to perform tasks which involve interaction with students, who shall have reasonable cause to believe that a child is either the perpetrator or the victim of bullying prohibited by section (b), shall, in addition to any reporting requirements contained in plans adopted pursuant to section (d), shall immediately report such activity by oral communication to the principal or the person designated to receive said reports by the plan adopted pursuant to section (d) and to the superintendent and by making a written report to both within forty-eight hours after such oral communication. A superintendent receiving a written report of bullying pursuant to this section shall immediately report such activity to the juvenile unit of the local police department upon completion of an investigation, including any investigation required by the plan adopted pursuant to subsection (d), if said investigation finds reasonable cause to believe that a child is perpetrating or suffering from bullying. Any person required by this section to make a report who fails to do so shall be punished by a fine of not more than one thousand dollars. In addition to those persons required to report pursuant to this section, any other person may make such a report if any such person has reasonable cause to believe that a child is perpetrating or suffering from bullying. No person so required to report shall be liable in any civil or criminal action by reason of such report. No person making such a report voluntarily shall be liable in any civil or criminal action by reason of such report if said report was made in good faith.

Each superintendent shall report to the department biennially the number of such written reports of bullying he receives pursuant to this section, the action he took in response and the outcome of the case as of the date of reporting.

(b¾) In addition to any disciplinary measures contained in a bullying prevention and intervention plan adopted pursuant to section (d), any student found to have engaged in bullying shall be required to attend counseling sessions established by school district in consultation with the department. If a student is found to have engaged

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in bullying on more than one occasion, that student's parents or guardians shall be required to attend said counseling sessions with said student.".

After debate the amendments were rejected.

Ms. Polito of Shrewsbury then moved to amend the bill by striking out section 7.

Amendment rejected,— yea and nay No. 303.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 25 members voted in the affirmative and 126 in the negative.

[See Yea and Nay No. 303 in Supplement.]

Therefore the amendments were rejected.

Representatives Callahan of Sutton and Speliotis of Danvers then moved to amend the bill in line 31 by inserting after the word "communications." the following sentence: "Cyber-bullying shall also include creating or promoting a web page or blog in which the creator assumes the identity of another person and in which an individual(s) knowingly impersonates another person as the author of posted content or messages contained therein.". After remarks the amendment was adopted.

Mr. Murphy of Burlington then moved to amend the bill in line 79 by inserting after the word "notification" the following: "by the principal or person who holds a comparable role, pursuant to regulations promulgated under subsection (j),", and in line 130 by striking out the words "shall promulgate regulations regarding" and inserting in place thereof the following: "shall, by September 30, 2010, promulgate regulations necessary to carry out the purposes of this section; provided, further, that the regulations shall include requirements related to a principal's duties under clause (viii) of the second paragraph of subsection (d); provided, further, that the regulations shall include". The amendments were adopted.

Mr. Scibak of South Hadley then moved to amend the bill in line 118 by inserting after the word "action." the following sentence: "If an incident of bullying or retaliation involves a former student no longer enrolled in a local school district, commonwealth charter school, approved private day or residential school or collaborative school, the district or school informed of the bullying or retaliation shall carry out its duties relative to the incident consistent with the provisions of clause (viii) of the second paragraph of subsection (d).". The amendment was adopted.

After debate representatives Benson of Lunenburg and Linsky of Natick moved to amend the bill by inserting after section 5D (inserted by amendment) the following section:

"SECTION 5E. The sixth paragraph of section 3 of chapter 71B of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the third sentence the following sentence:— Whenever the evaluation indicates that the child has a disability that affects social skills development, the Individual Education Program (IEP), the program shall address the skills and proficiencies needed to avoid and respond to bullying, harassment or teasing.".

The amendment was adopted.

Mr. Murphy of Burlington then moved to amend the bill in line 48 by inserting before the characters "(ii)" the word "and", and in line 49 by striking out the following: "; and (iii)" and inserting in place thereof the word ", or".

The amendments were adopted.

On the question on passing the bill, as amended, to be engrossed, in concurrence, the sense of the House was taken by yeas and nays, at the request of the Ms. Walz of Boston; and on the roll call 150 members voted in the affirmative and 1 in the negative.

Bill passed to be engrossed,—yea and nay No. 304.

[See Yea and Nay No. 304 in Supplement.]

Therefore the bill (Senate, No. 2323, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment adopted by the House (for House text, see House, No. 4571, published as amended).

Emergency Measure.

The engrossed Bill authorizing the lease of land to yacht clubs (see House, No. 4346, 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.

Yacht clubs,—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 37 to 0. Sent to the Senate for concurrence.

Engrossed Bill.

The House Bill providing for the financial stability of the city of Lawrence (see House, No. 4516, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Lawrence,—financial stability.

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 the Mr. Torrisi of North Andover; and on the roll call 101 members voted in the affirmative and 49 in the negative.

Bill enacted,—yea and nay No. 305.

[See Yea and Nay No. 305 in Supplement.]

Therefore the bill was passed to be enacted (more than two-thirds of the members having agreed to pass the same), Mr. Finegold of Andover then moved that this vote be reconsidered. The motion was entertained; and it was negative. The bill then was signed by the acting Speaker and sent to the Senate.

Silent Prayer.

At the request of Speaker DeLeo of Winthrop and Mr. McCarthy of East Bridgewater, the members, guests and employees then stood in a moment of silent prayer in respect to the memory of former Clerk of the House of Representatives, Wallace C. Mills of Abington who passed away on Wednesday, March 17, 2010.

Wallace C. Mills.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

Ordered, That when the House adjourns today, in order to appropriately honor the services on Monday morning for former Clerk Wallace C. Mills, it adjourn to meet on Monday next at two o'clock P.M.

Speaker DeLeo of Winthrop and Mr. McCarthy of East Bridgewater then moved that as a mark of respect to the memory of Wallace C. Mills, Clerical Assistant to the Clerk of the House from 1947 to 1961, inclusive, Assistant Clerk of the House from 1961 to 1968, inclusive; and Clerk of the House of Representatives from 1969 to 1982, inclusive, the House adjourn; and the motion prevailed.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at eight minutes before seven o'clock P.M. (Mr. Mariano of Quincy being in the Chair), the House adjourned, to meet on Monday next at two o'clock P.M., in an Informal Session.

Monday, March 22, 2010.

Met according to adjournment, at two o'clock P.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.

Gracious God, Eternal Source of Light, Truth and Love, we take a moment to turn our attention to You, Our Creator, on this first full week of spring. We pray for light in our consciences, truth is our minds and love in our hearts. Teach us as a society to reason and dialogue together as we evaluate and address the administrative and legislative matters which come before us. Inspire us to serve You, the people and the Commonwealth with integrity of heart, singleness of purpose and dedication to promoting the common good. We are grateful for the example, courage and moral integrity of the many leaders who have served this nation throughout the years. May we continue to carry out the spirit of our founders which is contained in our constitutions and in their concern for the good and well-being of all people.

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.

Resolutions.

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

Attleboro,—Complete Count.

Resolutions (filed by Representatives Bowles of Attleboro and Poirier of North Attleborough) commending the city of Attleboro's Complete Count Committee; and

Joseph Meltzer.

Resolutions (filed by Mrs. Canavan of Brockton) honoring Joseph Meltzer for receiving the Eagle Award of the Boy Scouts of America;

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 Ms. Gobi of Spencer, 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:

U.S.S. Massachusetts,—honor roll.

By Mr. Aguiar of Fall River, a petition (subject to Joint Rule 12) of Kevin Aguiar that the honor roll erected on the U.S.S. Massachusetts honoring deceased veterans of World War II be authorized to

include a section in memory of the members of the armed forces from the Commonwealth who died in Afghanistan and Iraq;

National Guard,—scholarship.

By Ms. Callahan of Sutton (by request), a petition (subject to Joint Rule 12) of Brian T. Murphy for legislation to authorize certain children of members of the National Guard to participate in the educational assistance program established for said military organization;

Delinquent rent.

By the same member (by request), a petition (subject to Joint Rule 12) of Colum J. Moraghan for legislation to authorize landlords to initiate rent collection procedures against delinquent tenants;

Operational Services,—fees.

By Mrs. Creedon of Brockton, a petition (subject to Joint Rule 12) of Geraldine Creedon for legislation to discontinue the contract administrative fee imposed by the Operational Services Division of the Commonwealth;

Small business,—taxation.

By Ms. Ehrlich of Marblehead, a petition (subject to Joint Rule 12) of Lori A. Ehrlich for legislation to make certain changes in the law relative to the taxation of small business;

Id.

By the same member, a petition (subject to Joint Rule 12) of Lori A. Ehrlich for legislation to reduce the tax imposed on small businesses;

Id.

By the same member, a petition (subject to Joint Rule 12) of Lori A. Ehrlich relative to the tax imposed on certain small businesses employing fifty persons or less;

Unemployment insurance,—worksharing.

By Mr. Evangelidis of Holden, a petition (subject to Joint Rule 12) of Lewis G. Evangelidis relative to the definition of an "affected unit" for the application of worksharing plans under the unemployment insurance law;

Richard D. Valcourt.

By Ms. Gobi of Spencer, a petition (subject to Joint Rule 12) of Anne M. Gobi and Stephen M. Brewer that Richard D. Valcourt, a member of the Worcester regional retirement system, be eligible for benefits from the Group Insurance Commission;

Elizabeth H. Hathaway.

By Mr. Madden of Nantucket (by request), a petition (subject to Joint Rule 12) of Charlotte Harris that the Division of Licensure be authorized to issue a license for the practice of psychology to Elizabeth H. Hathaway, a resident of the state of California;

Dinamarie McCarthy,—sick leave.

By Mr. Mariano of Quincy, a petition (subject to Joint Rule 12) of Ronald Mariano that the Department of Children and Families be authorized to establish a sick leave bank for Dinamarie McCarthy, an employee of said department; and

Public utilities,—fines.

By Representative Rice of Gardner and Senator Flanagan, a joint petition (subject to Joint Rule 12) of Robert L. Rice, Jennifer L. Flanagan and others relative to the use of public utility fines and penalties for the purpose of reimbursing affected customers.

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

Papers from the Senate.

Bills

John Riordan,—sick leave.

Relative to establishing a sick leave bank for John Riordan, an employee of the Trial Court (Senate, No. 2227, amended in line 4 by inserting after the name "Riordan." 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 trial court.") (on a petition).

Relative to establishing a sick leave bank for Christine Frangakis, an employee of the Department of Public Health (Senate, No. 2269, amended by adding 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."; and by inserting before the enacting clause the following emergency preamble: Christine Frangakis,— sick leave.

"*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 public health, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.") (on a petition).

Severally, passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reports of Committees.

By Mr. Koutoujian of Waltham, for the committee on Financial Services, on a petition, a Bill relative to preventing fraud (House, No. 892). Insurance fraud.

By the same member, for the same committee, on Senate, No. 454 and House, No. 944, a Bill prohibiting drug switching payments (House, No. 944). Drug switching payments.

By the same member, for the same committee, on a petition, a Bill relative to medical examinations (House, No. 1004). Medical examinations.

By the same member, for the same committee, on a petition, a Bill repealing mandated benefits that are no longer effective (House, No. 3679). Mandated benefits.

By the same member, for the same committee, on a petition, a Bill relative to nursing home liability insurance (House, No. 3887). Nursing home liability insurance.

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

By Mr. Moran of Boston, for the committee on Election Laws, on Senate, No. 20 and House, No. 3665, a Bill regarding the preparation of certain ballots in the city of Boston (House, No. 3665) [Local Approval Received] [Representative Jones of North Reading dissenting]. Boston,— ballots.

By Mr. Koutoujian of Waltham, for the committee on Financial Services, on a petition, a Bill relative to certain actions and transactions before the Board of Bank Incorporation and the Commissioner of Banks (House, No. 1017). Board of Bank Incorporation.

By the same member, for the same committee, on a petition, a Bill authorizing the conversion of banks to another charter (House, No. 1026). Banks,— conversion.

By the same member, for the same committee, on a petition, a Bill to increase insurance capacity in the Commonwealth (House, No. 1057). Insurance,— capacity.

By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, on a petition, a Bill relative to penalties for false distress calls (House, No. 2217). False distress calls.

Public safety facilities.

By the same member, for the same committee, on a petition, a Bill to build and renovate fire and police stations in the Commonwealth (House, No. 2293).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Boxford,—recall elections.

By Mr. Moran of Boston, for the committee on Election Laws, on a petition, a Bill providing for recall elections in the town of Boxford (House, No. 4381) [Local Approval Received].

Savings bank life insurance.

By Mr. Koutoujian of Waltham, for the committee on Financial Services, on Senate, No. 509 and House, No. 889, a Bill relative to savings bank life insurance (House, No. 889, changed by striking out all after the enacting clause and inserting in place thereof the following: "Notwithstanding any general or special law, the company, as defined in Section 1 of Chapter 178A of the general laws, in establishing rates, benefits and coverages shall comply with the non-discrimination provisions of Chapter 175 of the general laws".).

Fire insurance.

By the same member, for the same committee, on a petition, a Bill relative to applications for insurance against loss or damage to a building by fire (House, No. 903).

Spousal Insurance.

By the same member, for the same committee, on a petition, a Bill providing insurance coverage to certain spouses (House, No. 943).

Fire insurance.

By the same member, for the same committee, on a petition, a Bill relating to fire insurance (House, No. 957).

Id.

By the same member, for the same committee, on a petition, a Bill relating to the standard fire insurance policy (House, No. 960).

Farmer's markets.

By the same member, for the same committee, on a petition, a Bill relative to farmers' market insurance (House, No. 998).

Banks,—conversion.

By the same member, for the same committee, on a petition, a Bill relative to the conversion of a Massachusetts chartered bank or credit union to a federal or other charter (House, No. 1016).

Credit Union Share Insurance Corporation.

By the same member, for the same committee, on a petition, a Bill relative to the investment powers of the Massachusetts Credit Union Share Insurance Corporation (House, No. 4483).

Schools,—Felony notification.

By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, on a petition, a Bill requiring police departments to notify school superintendents upon the issuance of felony complaints against students (House, No. 2213).

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

Westborough State Hospital.

Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Resolve establishing a special commission on the reuse of Westborough State Hospital (Senate, No. 2219) ought to pass with amendments in line 10, and also in line 11, by striking out the word "two" (as published) and inserting in place thereof, in each instance, the figure "3". [Representative Scaccia of Boston dissenting]. 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. Placed in the Orders of the Day for the next sitting for a second reading, with the amendments pending.

Mr. Murphy of Burlington, for the committee on Ways and Means, on House, No. 4444, reported, in part, a Bill making appropriations for the Fiscal Year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4572). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Supplemental appropriations.

Mr. Kafka of Stoughton, for said committee, reported that the matter be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting for a second reading.

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

Senate bills

Further regulating funeral processions (Senate, No. 1884, amended); Funerals.

Relative to payment for services rendered for extraordinary storm damage in the town of Templeton (Senate, No. 2231) [Local Approval Received]; Templeton,—payment.

Establishing a sick leave bank for Denise Cailler, an employee of the Trial Court (Senate, No. 2241); and Denise Cailler.

Relative to the Punchard Free School in the town of Andover (Senate, No. 2321); and Punchard Free School.

House bills

Relative to education collaboratives (House, No. 379); Education.

Modifying a conservation restriction in the town of Andover (House, No. 598) [Local Approval Received]; Andover,—restriction.

Relative to striped bass (House, No. 799); Striped bass.

Relative to dedicating a portion of Route 2 to Dennis Rindone (House, No. 1889); Route 2.

Relative to the removal of spending limits in the town of North Andover (House, No. 1897) [Local Approval Received]; North Andover,—spending limits.

Relative to the distribution of the simplified rules for special town meetings in the town of North Andover (House, No. 1899) [Local Approval Received]; North Andover,—town meeting.

Relative to the distribution of copies of the warrant in the town of North Andover (House, No. 1900) [Local Approval Received]; North Andover,—warrant.

Relative to the conduct of public hearings on capital improvements plans in the town of North Andover (House, No. 1901) [Local Approval Received]; North Andover,—public hearings.

Relative to compensated absences in cities and towns (House, No. 1978); Absences.

Relative to the expenditure of certain municipal and district monies (House, No. 1979); Monies.

To increase the amount that can be appropriated from the balance of a capital project fund (House, No. 1980); Capital project fund.

To simplify the rules for use of municipal departmental revolving funds (House, No. 1988); Municipal funds.

Relative to handicapped automobile licenses or placards (House, No. 1998); Handicapped.

To amend the fine for failing to obtain, renew or violating terms of a license to operate an open air parking lot (House, No. 2006); Open air parking lots.

Relative to private road maintenance (House, No. 2013); Private roads.

Nonteaching employees.

Relative to protecting the rights of custodial, maintenance and other nonteaching employees of school districts (House, No. 2534);

Haverhill,—Route 110.

Designating a certain section of highway Route 110 in the city of Haverhill as the Emilio Brothers Memorial Highway (House, No. 3197);

Private roads.

Relative to the maintenance of private roads, beaches and amenities in municipalities (House, No. 3412);

Libraries.

Regarding the fiscal authority of decertified libraries (House, No. 3782, changed);

Nantucket,—land bank.

To further clarify the Nantucket Islands land bank act regarding real property interests subject to the land bank act's transfer fee (House, No. 4106) [Local Approval Received];

North Andover,—debt.

Authorizing the town of North Andover to incur debt for the replacement of overhead utilities (House, No. 4113) [Local Approval Received];

Hyde Park,—Loring Square.

Designating the intersection in front of 306 Turtle Pond Parkway in the Hyde Park district of the city of Boston as Paul P. Loring Square (House, No. 4120);

North Andover,—Boston Hill.

Authorizing the town of North Andover to amend a certain conservation restriction (House, No. 4194) [Local Approval Received];

Springfield,—exemptions.

Exempting the city of Springfield from certain provisions of the General Laws (House, No. 4316) [Local Approval Received];

Brewster,—land use.

Authorizing the town of Brewster to use a portion of town-owned land for renewable energy projects (House, No. 4450) [Local Approval Received];

Sharon,—land transfer.

Relative to transfer of land in the town of Sharon (House, No. 4468) [Local Approval Received];

Brewster,—revolving account.

Relative to a road maintenance revolving account in the town of Brewster (House, No. 4495) [Local Approval Received];

Watertown,—lease.

Relative to an extension of a lease by the town of Watertown for the town of Watertown Boys and Girls Club (House, No. 4504) [Local Approval Received]; and

Massachusetts Corporation Act.

Making amendments to the Massachusetts Corporation Act — Part Two (House, No. 4509).

Severally placed in the Orders of the Day for the next sitting for a second reading.

Engrossed Bills.

Bills enacted.

Establishing the position of town clerk in the town of Charlemont (see Senate, No. 2130, amended);

Authorizing the town of Greenfield to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see Senate, No. 2258); and

Authorizing the town of Greenfield to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see Senate, No. 2259);

(Which severally originated in the Senate);

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.

Orders of the Day.

Senate bills

Authorizing the town of Winchendon to continue the employment of Allen J. Lafrenni as Fire Chief (Senate, No. 2066); and

Establishing a sick leave bank for Candace Cabey, an employee of the Trial Court (Senate, No. 2273);

Third reading bills.

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

The House Bill establishing a sick leave bank for Thomas Troy, an employee of the Department of Corrections (House, No. 4530) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Id.

The House Bill relative to minimum age requirement for obtaining identification cards (House, No. 3216) was read a second time.

Second reading bill amended.

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. 4512),— was adopted.

The substituted bill was then ordered to a third reading.

Order.

On motion of Mr. DeLeo of Winthrop,—

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

Next sitting.

At twenty-three minutes after two 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 Wednesday at eleven o'clock A.M.

Wednesday, March 24, 2010.

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

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

Prayer.

God, Our Creator, in Whom we place our trust and hope, our intention each day is to serve You, our families and our constituents to the best of our ability. With Your always-available assistance we believe that we can be successful and achieve our goals. We pray for the courage, enthusiasm and integrity to address and resolve the many complex issues which we face as a society. As we struggle with current legislative matters, may we keep clear in our minds the needs of future generations and the consequences of our present decisions. In dealing with the wave of violence in many lands around the world, may we continue to respect the dignity and importance of each individual in our community. May we also remain faithful to our philosophical and religious principles and to our own religious beliefs and practices.

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

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.

Message from the Governor.

Millis,—town election.

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 town of Millis to conduct its annual town election on May 11, 2010 (House, No. 4578), was filed in the office of the Clerk during the sitting.

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

Statement of Representative Clark of Melrose.

A statement of Ms. Clark of Melrose was spread upon the records of the House, as follows:

Statement of Ms. Clark of Melrose.

MR. SPEAKER: I would like to call to the attention of the House the fact that I will not be present in the House Chamber for the remainder of today's sitting due to a previously scheduled commitment. My missing of roll calls for the remainder of today is due entirely to the reason stated.

Statement of Representative Sandlin of Agawam.

A statement of Ms. Sandlin of Agawam was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I will not be present in the House Chamber for the remainder of today's sitting due to official business in my district. My missing of roll calls for the remainder of today is due entirely to the reason stated.

Statement of Ms. Sandlin of Agawam.

Guests of the House.

During the session, the Chair (Mr. Donato of Medford) declared a brief recess and introduced the Bartlett High School Select Choir of Webster, Gold Medal winners at a recent competition in Western Massachusetts. They were the guests of Representative Kujawski of Webster and Senator R. T. Moore. Led by the choir director, Peter Carney, the choir performed "The Lake Song" and the National Anthem.

Bartlett High School Select Choir.

Resolutions.

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

Resolutions (filed by Ms. Fox of Boston) celebrating the accomplishments of Dr. Maya Angelou as one of the most renowned and influential voices of our times; and

Dr. Maya Angelou.

Resolutions (filed by Representatives Smizik of Brookline, Wolf of Cambridge and Garballey of Arlington) recognizing Earth Hour 2010.

Earth Hour 2010.

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 Ms. Peake of Provincetown, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

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

Resolutions (filed by Mr. Moran of Boston) urging the United States Environmental Protection Agency in providing the state of Massachusetts and other states guidance relative to the discontinuance of stage II gasoline emission control; and

Gasoline,—emissions.

Resolutions (filed by Messrs. Walsh of Boston and O'Flaherty of Chelsea) memorializing Congress to support a peaceful unification of Ireland.

Congress,—Irish unification.

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. Walsh 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.

The Senate Bill relative to bullying in schools (Senate, No. 2323) 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 4571).

Schools,—bullying.

Committee of conference.

The bill bore the further endorsement that the Senate had asked for a committee of conference on the disagreeing votes of the two branches; and that Senators O'Leary, Eldridge and Knapik had been appointed the committee on the part of the Senate.

Id.

On motion of Ms.Walz of Boston, the House insisted on its amendment; and, on further motion of the same member, concurred with the Senate in the appointment of a committee of conference. Representatives Walz, Scibak of South Hadley and Poirier of North Attleborough were appointed the committee on the part of the House. Sent to the Senate to be noted.

Sandwich Economic Initiative Corporation.

The engrossed Bill establishing the Sandwich Economic Initiative Corporation (see Senate, No. 2073), which had been returned to the Senate by His Excellency the Governor with recommendation of amendments (for message, see Senate, No. 2326), came from said branch with the endorsement that it had adopted said amendments, as follows:

In section 2, in lines 210 to 215 (as published), by striking out the following: "notwithstanding any general or special law to the contrary, the corporation may enter into contracts, in conformance with chapter 30B of the General Laws, for the construction, reconstruction, installation, demolition, maintenance or repair of any public building or public work without said contract being subject to the designer selection process as set forth in sections 38A½ to 38O, inclusive, of chapter 7 of the General Laws, section 39M of chapter 30 of the General Laws, section 39M of chapter 30 of the General Laws or the competitive bid process of sections 44A to 44J, inclusive, of chapter 149 of the General Laws; and provided further that construction projects undertaken by the corporation shall be subject to the prevailing wage law requirements of chapter 149 of the General Laws and" (as engrossed) and inserting in place thereof the following: "the corporation may enter into contracts, in conformance with chapter 149 of the General Laws, for the construction, reconstruction, installation, demolition, maintenance or repair of any public building or public work without such contract being subject to the designer selection process as set forth in sections 38A½ to 38O, inclusive, of chapter 7 of the General Laws; and provided further, that construction projects undertaken by the corporation"; and

In section 7, in lines 259 to 263, inclusive (as published), by striking out the following: "; provided, however, that notwithstanding section 23B of chapter 39 of the General Laws, the board of selectmen may meet with the board of directors in executive session for the purpose of considering proposed development plans of the corporation. The board of directors may meet with persons proposing a development plan in executive session. The corporation" (as engrossed) and inserting in place thereof the word "and".

Under suspension of Rule 35, on motion of Mr. Perry of Sandwich, 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.

Correctional employees,— assault.

The Senate Bill punishing assault and battery by means of a bodily substance upon correctional facility employees (Senate, No. 997, amended) came from the Senate with the endorsement that said branch had concurred with the House in its amendments with further amendments in [A] section 1, in line 10, after the word "for" (the second time it appears), inserting the following: "not less than 2½ years and", in line 17, before the word "more" (inserted by amendment by the House), inserting the following: "not less than 3 nor", striking out section 2 (inserted by amendment by the House) and inserting in place thereof the following two sections:

"SECTION 2. Section 31 of chapter 272 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in lines 40 through 43, inclusive, the definition of 'Matter' and inserting in place thereof the following definition:—

'Matter', any handwritten or printed material, visual representation, live performance or sound recording including but not limited to books, magazines, motion picture films, pamphlets, phonographic records, pictures, photographs, figures, statues, plays, dances, or any electronic communication including but not limited to electronic mail, instant messages, text messages, and any other communication created by means of use of the Internet or wireless network, whether by computer, telephone, or any other device or by any transfer of signs, signals, writing, images, sounds, stat, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system.

SECTION 3. The definition of 'visual material' in said section 31 of said chapter 272, as so appearing, is hereby amended by inserting after the word 'computer', the following words:— , telephone or any other device capable of electronic data storage or transmission.", and striking out the title and inserting in place thereof the following title: "An Act relative to assault and battery by means of a bodily substance upon correctional facility employees and expanding the prohibition on the dissemination of obscenity.".

Under suspension of Rule 35, on motion of Mr. Pedone of Worcester, the further 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 further amendments with a still further amendment by striking out [at "A"] the following: "section 1, in line 10, after the word 'for' (the second time it appears), inserting the following: 'not less than 2½ years and', in line 17, before the word 'more' (inserted by amendment by the House), inserting the following: 'not less than 3 nor'," and by striking out section 1 of the bill and inserting in place thereof the following two sections:

"SECTION 1. Chapter 127 of the General Laws is hereby amended by striking out section 38B, as appearing in the 2008 Official Edition, and inserting in place thereof the following section:—

Section 38B. (a) For the purposes of this section, 'bodily substance' shall mean any human secretion, discharge or emission including, but not limited to, blood, saliva, mucous, semen, urine or feces.

Correctional employees,— assault.

(b) Any person in the custody of a correctional facility, including any jail, house of correction or state prison, who commits an assault or an assault and battery upon an officer or other employee, any volunteer or employee of a contractor in any such facility or any duly authorized officer or other employee of any such facility engaged in the transportation of a prisoner for any lawful purpose shall be punished by imprisonment for not more than 2 and one-half years in a jail or house of correction or for not more than 10 years in a state prison. Such sentence shall begin from and after all sentences currently outstanding and unserved at the time of said assault or assault and battery.

(c) Any person in the custody of a correctional facility, including any jail, house of correction or state prison, who commits an assault or an assault and battery by means of a bodily substance upon an officer or other employee, any volunteer or employee of a contractor in any such facility or any duly authorized officer or other employee of any such facility engaged in the transportation of a prisoner for any lawful purpose shall be punished by imprisonment for not more than 2 and one-half years in a jail or house of correction or for not more than 10 years in a state prison. Such sentence shall begin from and after all sentences currently outstanding and unserved at the time of said assault or assault and battery.

(d) Any person with an open mental health case charged under this statute shall be evaluated under the provisions set forth in section 15 of chapter 123.

SECTION 1A. Section 26 of chapter 218 of the General Laws, as so appearing, is hereby amended by inserting after the word 'ninety-four C', in line 16, the following words:— , section 38B of chapter 127.".

The still further amendment was adopted.

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

Dennis Water District.

The House Bill relative to elections for the Dennis Water District (House, No. 1140) 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 following:

"SECTION 1. Notwithstanding section 9 of chapter 277 of the acts of 1945 or any other general or special law to the contrary, if the boundaries of the town of Dennis and the Dennis Water District are identical on the date of the annual town election to be held May 11, 2010, and on the date of each annual town election thereafter, the town of Dennis shall elect by ballot in conjunction with the annual town election, district officers whose elections would otherwise have appeared on the ballot for a district election. Any questions as may be requested by the board of water commissioners shall also appear on the ballot at that election. The responsibility for the conduct of the election shall be vested in the officers of the town.

SECTION 2. Notwithstanding section 9 of chapter 277 of the acts of 1945 or any other general or special law to the contrary, if the boundaries of the town of Dennis and the Dennis Water District are not identical on the date of the annual town election to be held

May 11, 2010, or on the date of any annual town election thereafter, then the annual town election and the Dennis Water District election shall be held on the same date but by separate ballot.

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

Under suspension of Rule 35, on motion of Mr. Turner of Dennis, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Sean O'Brien,— sick leave.

A Bill establishing a sick leave bank for Sean O'Brien, an employee of the Department of Transitional Assistance (Senate, No. 2288) (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.

Reports

Of the committee on the Judiciary, asking to be discharged from further consideration

Chester Gorski.

Of the petition (accompanied by bill, Senate, No. 1685) of Benjamin B. Downing and Stanley C. Rosenberg for legislation to reimburse Chester Gorski; and

William J. Gormley.

Of the petition (accompanied by bill, Senate, No. 1856) of Marian Walsh and Michael F. Rush for legislation in favor of William J. Gormley;

Of the committee on Transportation, asking to be discharged from further consideration

Veterans,— drivers licenses.

Of the petition (accompanied by bill, Senate, No. 1886) Stephen M. Brewer, Todd M. Smola, Richard J. Ross, Bruce E. Tarr and Anne M. Gobi for legislation relative to placing the word "veteran" on any eligible driver's license;

Veterans,— registration plates.

Of the petition (accompanied by bill, Senate, No. 1891) of Stephen M. Brewer, James E. Timilty, Todd M. Smola, Jennifer M. Callahan, Bruce E. Tarr and other members of the General Court for legislation to further regulate the sale of distinctive registration plates for veterans; and

Drag racing.

Of the petition (accompanied by bill, Senate, No. 1905) of Cynthia Stone Creem for legislation relative to the penalties for drag racing;

And recommending the same severally be referred to the committee on Senate Ways and Means.

Severally accepted by the Senate, were considered forthwith, under Rule 42; and they were accepted, in concurrence, insomuch as relates to the discharge.

Reports

Sales tax holiday.

Of the committee on Economic Development and Emerging Technologies, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 196) of John A. Hart, Jr., Scott P. Brown, Michael R. Knapik, Susan C. Tucker and Kay Khan for legislation to establish a sales tax holiday,— and recommending the same be referred to the committee on Revenue;

Of the committee on Financial Services, asking to be discharged from further consideration

Childhood vaccines program.

Of the petition (accompanied by bill, Senate, No. 470) of Suan C. Fargo, Timothy J. Toomey, Jr., Karen E. Spilka and Benjamin Swan for legislation to establish the Massachusetts childhood vaccines program and the Massachusetts immunization registry,— and recommending the same be referred to the committee on Health Care Financing; and

Temporary disability insurance.

Of the petition (accompanied by bill, Senate, No. 474) of Patricia D. Jehlen, Martha M. Walz, Steven A. Tolman and Susan C. Fargo for legislation relative to establishing family and employment security through temporary disability insurance and family temporary disability insurance,— and recommending the same be referred to the committee on Labor and Workforce Development; and

Businesses,— disaster recovery.

Of the committee on Public Safety and Homeland Security, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 962) of Richard T. Moore, John V. Fernandes, James E. Timilty, Jennifer M. Callahan and Bruce E. Tarr for legislation to promote business continuity and recovery after a disaster,— and recommending the same be referred to the committee on Revenue.

Severally accepted by the Senate, were considered forthwith, under Rule 42; and they were accepted, in concurrence.

Great Barrington,— police chief.

A petition (accompanied by bill, Senate, No. 2332) of Benjamin B. Downing and William Smitty Pignatelli (by vote of the town) for legislation exempting the position of chief of police of the town of Great Barrington from the provisions of the civil service law, was referred, in concurrence, to the committee on Public Service.

Vehicles,— business practices.

A petition of Marc R. Pacheco and Theodore C. Speliotis for legislation relative to further regulating business practices between motor vehicle dealers, manufacturers, and distributors, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Consumer Protection and Professional Licensure.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2346) was referred, in concurrence, to the committee on Consumer Protection and Professional Licensure.

Reports of Committees.

U.S.S. Massachusetts,— honor roll.

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 Kevin Aguiar that the honor roll erected on the U.S.S. Massachusetts honoring deceased veterans of World War II be authorized to include a section in memory of the members of the armed forces from the Commonwealth who died in Afghanistan and Iraq. Under suspension of the rules, on motion of Mr. Kafka of Stoughton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Veterans and Federal Affairs. Severally sent to the Senate for concurrence.

By Mr. Binienda of Worcester, for the committees on Rules of the two branches, acting concurrently, asking to be discharged from further consideration

Of the Resolve providing for an investigation and study by a special commission relative to child support payments (House, No. 127, changed); Child support payments.

Of the Resolve providing for an investigation and study by a special commission relative to the impact of undocumented aliens residing in the Commonwealth (House, No. 133, changed); Undocumented aliens.

Of the Bill establishing a Mystic River water quality commission (House, No. 807); Mystic River.

Of the Resolve establishing a special commission on improper needle disposal in public recreation areas (House, No. 2122); Needle disposal.

Of the Resolve relative to the study on methods to reduce incidents of suicide (House, No. 3827); Suicide.

Of the Resolve providing for an investigation and study by a special commission relative to child suicide (House, No. 4522); and Child suicide.

Of the Bill to promote the development of small house nursing homes in Massachusetts (House, No. 4559); Nursing homes.

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.

By Mr. Binienda of Worcester, for the committees on Rules of the two branches, acting concurrently, asking to be discharged from further consideration

Of the petition (accompanied by bill House, No. 2948) of James Arciero relative to the conduct of committees of the General Court; General Court,—conduct.

Of the petition (accompanied by bill House, No. 2949) of Jennifer M. Callahan and Bruce E. Tarr relative to providing education and training on ethics law, interviewing skills and investigatory procedures for members of the General Court; General Court,—training.

Of the petition (accompanied by bill House, No. 2950) of Jennifer M. Callahan relative to requiring members of the General Court in leadership positions to forfeit said positions upon being fined by the State Ethics Commission; State Ethics Commission.

Of the petition (accompanied by bill House, No. 2951) of Bradford R. Hill, Bruce E. Tarr and others relative to taping and broadcasting legislative committee hearings; Committee hearings.

Of the petition (accompanied by bill House, No. 2953) of Jay R. Kaufman and Denise Provost for legislation to require the filing of justice integrity impact statements with proposed legislation relative to crime, penalties and criminal records; Justice integrity impact statements.

Of the petition (accompanied by bill House, No. 2954) of Robert P. Spellane for legislation to regulate the reporting of mandated health benefit bills by committees of the General Court; Health bills,—reports.

Of the petition (accompanied by House, No. 3614) of Christopher N. Speranzo to minimize health care costs; and Health care costs.

And recommending that the same severally be referred to the House committee on Rules.

By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, asking to be discharged from further consideration

MBTA police.

Of the petition, (accompanied by bill House, No. 2296) of Joseph F. Wagner, Kathi-Anne Reinstein, and others for legislation to merge the Massachusetts Bay Transportation Police into the Department of State Police; and

Emergency alert system.

Of the petition, (accompanied by bill House, No. 3928) of Thomas A. Golden, Jr. that the Emergency Telecommunications Board develop, implement and administer an automated emergency alert system;

And recommending that the same severally be referred to the House committee on Ways and Means.

Under rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence in the discharge of the joint committees.

Helmets.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, asking to be discharged from further consideration of the petition (accompanied by bill House, No. 3885) of Peter V. Kocot for legislation to require the use of helmets for horseback riders and drivers of horse-drawn wagons,— and recommending that the same be referred to the committee on Public Safety and Homeland Security.

Health insurance claims.

By Mr. Koutoujian of Waltham, for the committee on Financial Services, asking to be discharged from further consideration of the petition (accompanied by bill House, No. 891) of Lewis G. Evangelidis relative to health insurance claims of employees,— and recommending that the same be referred to the committee on the Judiciary.

By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, asking to be discharged from further consideration

Pawnbrokers.

Of the petition (accompanied by bill House, No. 2214) of Robert F. Fennell, David B. Sullivan and others for legislation to further regulate licensed pawnbrokers,— and recommending that the same be referred to the committee on Consumer Protection and Professional Licensure.

Public Safety.

Of the petition (accompanied by bill Senate, No. 977) of Anthony W. Petruccelli and Kevin G. Honan for legislation to further enhance public safety in the Commonwealth; and

Penalty,— motor vehicle operators.

Of the petition (accompanied by bill House, No. 4462) of James M. Cantwell and Robert L. Hedlund for legislation to increase the penalty imposed on operators of motor vehicles involved in police chases;

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

Under rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

Wilbraham,— action validations.

By Mr. Moran of Boston, for the committee on Election Laws, on a message from His Excellency the Governor, a Bill validating action taken at an annual town meeting, an annual town election of town officers, a special town meeting, an additional special town

meeting, and a special election held in the town of Wilbraham (printed in House, No. 4564). 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 Mr. Puppolo of Springfield, the bill was read a second time forthwith; and it was ordered to a third reading.

Natick,—police chief.

By Mr. Spellane of Worcester, for the committee on Public Service, on a joint petition, a Bill exempting the position of chief of police of the town of Natick from the provisions of civil service law (House, No. 4419) [Local Approval Received]. 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 Mr. Linsky of Natick, the bill was read a second time forthwith; and it was ordered to a third reading.

Insurance rebates.

By Mr. Koutoujian of Waltham, for the committee on Financial Services, on a petition, a Bill relating to insurance company rebates (House, No. 962).

Protective custody.

By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, on a petition, a Bill relative to protective custody (House, No. 2215).

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

By Mr. Binienda of Worcester, for the committee on Rules of the two branches, acting concurrently, that the following bill and resolves ought to pass:

Student access.

Bill establishing a grant program for expanding learning time and improving student access (House, No. 4519); and

Resolves

Veterans,—health care.

Providing for an investigation and study of providing veterans with increased healthcare access (House, No. 3378);

School busing,—reimbursement.

Establishing a special commission relative to reimbursements of school busing costs (House, No. 4546);

Severally referred, under Rule 33, to the committee on Ways and Means.

Refrigeration and air conditioning.

By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, on a petition, a Bill relative to inspection requirements for certain refrigeration and air conditioning units (House, No. 2205).

Missing persons.

By the same member, for the same committee, on a petition, a Bill relative to certain missing persons (House, No. 2252).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Firearms identification cards.

By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, on a petition, a Bill further regulating the issuance of firearm identification cards and licenses to carry firearms (House, No. 2229).

Meraly Rivera,— sick leave.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Meraly Rivera, an employee of the Department of Children and Families (House, No. 4570).

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

Securities,— regulate.

By Mr. Koutoujian of Waltham, for the committee on Financial Services, ought NOT to pass, on the petition (accompanied by bill, House, No. 1051) of Walter F. Timilty relative to regulating the distribution and sale of securities under the uniform securities law. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Emergency Measure.

Candace Cabey,— sick leave bank.

The engrossed Bill establishing a sick leave bank for Candace Cabey, an employee of the Trial Court (see Senate, No. 2273, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 9 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills

Bills enacted.

Authorizing the town of Winchendon to continue the employment of Allen J. LaFrennie as fire chief (see Senate, No. 2066) (which originated in the Senate);

Relative to elections for the Dennis Water District (House, No. 1140, amended);

Authorizing the town of North Andover to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 4189);

Designating a certain bridge in the city of Fall River as the Louis Phillip Gagne Jr. bridge (see House, No. 4274); and

Authorizing the town of Medway to continue the employment of fire chief Paul L. Trufant (see House, No. 4380);

(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.

Orders of the Day.

House bills

Third reading bills.

Authorizing the town of Oxford to grant an additional license for the sale of alcohol (printed as Senate, No. 2196);

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

Designating the city of Salem as the birthplace of the National Guard (House, No. 1145);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Second reading bills.

Senate bills

Relative to payment for services rendered for extraordinary storm damage in the town of Templeton (Senate, No. 2231);

Establishing a sick leave bank for Denise Cailler, an employee of the Trial Court (Senate, No. 2241); and

Relative to the Punchard Free School in the town of Andover (Senate, No. 2321); and

House bills

Relative to education collaboratives (House, No. 379);

Modifying a conservation restriction in the town of Andover (House, No. 598);

Relative to striped bass (House, No. 799);

Relative to dedicating a portion of Route 2 to Dennis Rindone (House, No. 1889);

Relative to the removal of spending limits in the town of North Andover (House, No. 1897);

Relative to the distribution of the simplified rules for special town meetings in the town of North Andover (House, No. 1899);

Relative to the distribution of copies of the warrant in town of North Andover (House, No. 1900);

Relative to the conduct of public hearings on capital improvements plans in the town of North Andover (House, No. 1901);

Relative to compensated absences in cities and towns (House, No. 1978);

Relative to the expenditure of certain municipal and district monies (House, No. 1979);

To increase the amount that can be appropriated from the balance of a capital project fund (House, No. 1980);

To simplify the rules for use of municipal departmental revolving funds (House, No. 1988);

Relative to handicapped automobile licenses or placards (House, No. 1998);

To amend the fine for failing to obtain, renew or violating terms of a license to operate an open air parking lot (House, No. 2006);

Relative to private road maintenance (House, No. 2013);

Designating a certain section of highway Route 110 in the city of Haverhill as the Emilio Brothers Memorial Highway (House, No. 3197);

Relative to the maintenance of private roads, beaches and amenities in municipalities (House, No. 3412);

Regarding the fiscal authority of decertified libraries (House, No. 3782, changed);

To further clarify the Nantucket Islands land bank act regarding real property interests subject to the land bank act's transfer fee (House, No. 4106);

Second reading bills.

Authorizing the town of North Andover to incur debt for the replacement of overhead utilities (House, No. 4113);

Designating the intersection in front of 306 Turtle Pond Parkway in the Hyde Park District of the city of Boston as Paul P. Loring Square (House, No. 4120);

Authorizing the town of North Andover to amend a certain conservation restriction (House, No. 4194);

Exempting the city of Springfield from certain provisions of the General Laws (House, No. 4316);

Authorizing the town of Brewster to use a portion of town-owned land for renewable energy projects (House, No. 4450);

Relative to transfer of land in the town of Sharon (House, No. 4468);

Relative to a road maintenance revolving account in the town of Brewster (House, No. 4495);

Relative to an extension of a lease by the town of Watertown for the town of Watertown Boys and Girls Club (House, No. 4504); and

Making amendments to the Massachusetts Corporation Act — Part Two (House, No. 4509).

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

Second reading bill engrossed.

The Senate Resolve establishing a special commission on the reuse of Westborough State Hospital (Senate, No. 2219) was read a second time.

The amendments recommended by the committee on Ways and Means,— that the bill be amended in line 10, and also in line 11, by striking out the word "two" (as published) and inserting in place thereof, in each instance, the figure "3",— were adopted.

The resolve, as amended, then was ordered to a third reading.

Subsequently, the noon recess having terminated, under suspension of the rules, on motion of Ms. Dykema of Holliston, the resolve (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, as amended, in concurrence, its title having been changed by said committee to read: "An Act providing for an investigation and study by a special commission on the reuse of Westborough State Hospital.". Sent to the Senate for concurrence in the amendments.

Recess.

Recess.

At nineteen minutes before twelve o'clock noon, on motion of Mr. Mariano of Quincy (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at twenty-four minutes after one o'clock the House was called to order with Mr. Donato in the Chair.

Engrossed Bills — Land Takings.

Yacht clubs,— land.

The engrossed Bill authorizing the lease of land to yacht clubs (see House, No. 4346, amended) (which originated in the House), in respect to which the Senate had concurred in the adoption of the emergency preamble, 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 lands or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 155 members voted in the affirmative and 0 in the negative.

Bill enacted (land taking),—yea and nay No. 306.

[See Yea and Nay No. 306 in Supplement.]

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

The engrossed Bill authorizing the lease of certain agricultural land in the town of Westford (see House, No. 4193, 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.

Westford,—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 lands or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 159 members voted in the affirmative and 0 in the negative.

Bill enacted (land taking),—yea and nay No. 307.

[See Yea and Nay No. 307 in Supplement.]

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

Orders of the Day.

The House Bill making appropriations for the Fiscal Year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4572) was read a second time; and it was ordered to a third reading.

Supplemental appropriations.

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

Pending the question on passing the bill to be engrossed, Mr. Jones of North Reading and other members of the House moved to amend it in section 2A by inserting before item 1599-1027 the following item:

"1599-0030 For a reserve for election costs including but not limited to special election costs for municipalities; provided, that any unexpended funds from this line item shall be made available in fiscal year 2011 ..... 7,200,000".

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call 158 members voted in the affirmative and 1 in the negative.

Amendment adopted,—yea and nay No. 308.

[See Yea and Nay No. 308 in Supplement.]

Therefore the amendment was adopted.

Mr. Patrick of Falmouth then moved to amend the bill by adding the following section:

Supplemental appropriations.

"SECTION 43. Section 139(f) of Chapter 164, as inserted by section 78 of chapter 169 of the Acts of 2008, shall be amended by striking the first sentence and inserting in place thereof the following:— The annual capacity of net metering shall not exceed 5 percent of the distribution company's peak load.".

After debate the amendment was rejected.

Mr. Koutoujian of Waltham then moved to amend the bill by adding the following section:

"SECTION 43. Section 9(b) of chapter 94C of the General Laws is hereby amended in the third paragraph by inserting at the end thereof the following:— This section shall not be construed to prohibit a physician or an optometrist from the in-office dispensing and sale of a vision correction device, including contact lenses that contain a controlled substance component, provided that the controlled substance is within the profession's designated scope of practice.

Section 66B of chapter 112 of the General Laws is hereby amended by inserting at the end thereof the following:— This section shall not be construed to prohibit a physician or an optometrist from the in-office dispensing and sale of a vision correction device, including contact lenses that contain a controlled substance component, provided that the controlled substance is within the profession's designated scope of practice.".

The amendment was rejected.

Mr. Patrick of Falmouth then moved to amend the bill by adding the following section:

"SECTION 43. (A) Subsection (l) of section 6 of chapter 62 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by adding the following paragraph:—

(8) Notwithstanding any other provision of this section, the cumulative amount of credits allowed under this subsection together with section 38X of chapter 63 for all productions, shall not exceed $50,000,000 for credits deemed attributable to the fiscal year July 1, 2010 through June 30, 2011 and shall not exceed $50,000,000 for credits deemed attributable to the fiscal year July 1, 2011 through June 30, 2012.

(B) Section 38X of chapter 63 of the General Laws, as so appearing, is hereby amended by adding the following subsection:—

(g) Notwithstanding any other provision of this section, the cumulative amount of credits allowed under this section together with subsection (l) of section 6 of chapter 62 for all productions, shall not exceed $50,000,000 for credits deemed attributable to the fiscal year July 1, 2010 through June 30, 2011 and shall not exceed $50,000,000 for credits deemed attributable to the fiscal year July 1, 2011 through June 30, 2012.

(C) In order to implement paragraph (8) of subsection (l) of section 6 of chapter 62 and subsection (g) of section 38X of chapter 63 of the General Laws, with respect to the fiscal years July 1, 2010 through June 30, 2011 (in this section called FY 2011) and July 1, 2011 through June 30, 2012 (in this section called FY 2012) the department of revenue shall issue and implement rules or guidelines which may include but are not limited to the following:

(1) Any motion picture production company (in this subsection called a 'production company') seeking a credit for a production that commences filming after January 27, 2010 and before January 28, 2011, shall file a notice (in this subsection called a 'production notice') with the department, stating the amount of estimated expenses qualifying for the credit for the production and such other information required by the department. Any production company seeking a credit for a production that commences filming after January 27, 2011, and before January 28, 2012, shall file a production notice after January 27, 2011 with the Department, stating the amount of estimated expenses qualifying for the credit for the production and such other information required by the department.

(2) Production notices received by the department after January 27, 2010 and before January 28, 2011 shall be considered to be attributable to FY 2011 and shall reduce the available credit for FY 2011, as first reduced by amounts of credits attributable to FY 2011 as described in paragraph (5) of this subsection (C), in the order in which they are received, by not more than the amount of the credit calculated with respect to the estimated qualifying expenses stated in the notices. Production notices received by the Department after January 27, 2011 and before January 28, 2012, shall be considered to be attributable to FY 2012 and shall reduce the available credit for FY 2012, in the order in which they are received, by not more than the amount of the credit calculated with respect to the estimated qualifying expenses stated in the notices.

(3) A production company shall not be allowed a credit for a production commencing filming after January 27, 2010, and before January 28, 2012, unless filming commences within 90 days after the department has responded favorably to the notice and any credit shall not be allowed in excess of the amount of credit calculated with respect to the estimated qualifying expenses stated in the notice. A production company that does not commence filming within the required 90 day period will not be allowed a credit for that production and the credit otherwise attributable to that production will be available to other productions subject to the notice procedures and credit limits contained in this subsection (C).

(4) All productions commencing filming after January 27, 2010, and before January 28, 2012, are subject to the notice procedures and credit limits provided in this subsection (C) and shall not qualify for any credit under subsection (l) of section 6 of chapter 62 or section 38X of chapter 63 in any fiscal year except as allowed through such notice procedures and subject to such credit limits.

(5) Credit amounts associated with productions that commenced filming in the commonwealth before January 28, 2010, are not subject to the credit caps for FY 2011 or FY 2012 if credit applications for such productions are received by the department on or before March 15, 2010. Credit amounts associated with productions that commenced filming in the commonwealth before January 28, 2010, shall be treated as credits attributable to FY 2011, regardless of the production dates to which such credit applications relate, if credit applications for such productions are not received by the department

by March 15, 2010. However, credits attributable to FY 2011 for productions commencing filming before January 28, 2010, shall be allowed before credits for productions that commence filming at a later date.

(6) The department shall not, before July 1, 2012, issue any credit certificate to a production company that commences filming after January 27, 2012 and before July 1, 2012.".

Quorum.

After remarks on the question on adoption of the amendment, Ms. Provost of Somerville asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Vallee of Franklin), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,— yea and nay No. 309.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 155 members were recorded as being in attendance.

[See Yea and Nay No. 309 in Supplement.]

Therefore a quorum was present.

After further remarks of the question on adoption of the amendment, Mr. D'Amico of Seekonk moved to amend it by striking out proposed section 43 and inserting in place thereof the following section:

"SECTION 43. Section 1. Paragraph (2) of subsection (l) of said section 6 of chapter 62 of the General Laws, as appearing in section 2 of chapter 63 of the acts of 2007, is hereby amended by striking out the second and third sentences and inserting in place thereof the following sentence:— The credit shall be equal to 20 per cent of the total aggregate payroll paid by a motion picture production company that constitutes Massachusetts source income, when total production costs incurred in the commonwealth equal or exceed $250,000 during the taxable year.

Section 2. Paragraph (4) of said subsection (l) of said section 6 of said chapter 62, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— The tax credit shall be taken against the taxes imposed under this chapter and shall not be refundable.

Section 3. Said subsection (l) of said section 6 of said chapter 62, as so appearing, is hereby further amended by inserting after paragraph (5) the following paragraph:—

(6) The total amount of tax credits provided under this subsection in connection with any motion picture production shall not exceed $7,000,000.

Section 4. Subsection (b) of section 38X of chapter 63 of the General Laws, as inserted by section 82 of chapter 173 of the acts of 2008, is hereby amended by striking out the second and third sentences and inserting in place thereof the following sentence:— The credit shall be equal to 20 per cent of the total aggregate payroll paid by a motion picture production company that constitutes Massachusetts source income, when total production costs incurred in the commonwealth equal or exceed $250,000 during the taxable year.

Section 5. Said section 38X of chapter 63, as so appearing, is hereby amended by adding the following subsection:—

(g) The total amount of tax credits provided under this subsection in connection with any 1 motion picture production shall not exceed $7,000,000.

Section 6. Section 6 of chapter 64H of the General Laws, as so appearing, is hereby amended by striking out paragraph (ww) and inserting in place thereof the following paragraph:—

(ww) Sales of tangible personal property to a qualifying motion picture production company or to an accredited film school student for the production expenses related to a school film project. For the purposes of this paragraph a qualifying motion picture production company must expend in the aggregate not less than $250,000 within the commonwealth in connection with the filming or production of 1 or more motion pictures in the commonwealth within any consecutive 12 month period and have the approval of the secretary of economic development and the commissioner. Any motion picture production company that intends to film all, or parts of, a motion picture or television program in the commonwealth and qualify for the exemption provided by this paragraph shall provide an estimate of total expenditures to be made in the commonwealth in connection with the filming or production of such motion picture or television program and shall designate a member or representative of the motion picture production company as a primary liaison with the commissioner for the purpose of facilitating the proper reporting of expenditures and other information as required by the commissioner. Said estimate of expenditures shall be filed prior to the commencement of filming in the commonwealth. Any qualifying motion picture production company that has been approved which fails to expend $250,000 within a consecutive 12 month period shall be liable for the sales taxes that would have been paid had the approval not been granted. The sales taxes shall be considered due as of the date that taxable expenditures were made. The commissioner shall promulgate rules for the implementation of this paragraph.

Section 7. Chapter 158 of the acts of 2005 is hereby amended by striking out section 9 as amended by chapter 63 of the acts of 2007 and inserting in place thereof the following section:—

Section 9. This act shall be effective for tax years beginning on or after January 1, 2006 and before January 2013, but credits allowed pursuant to this act may be carried forward pursuant to sections 1 and 2 after January 2013.”.

Quorum.

After debate on the question on adoption of the further amendment, Mr. Donato of Medford asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Vallee of Franklin), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,— yea and nay No. 310.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call (the Speaker being in the Chair) 154 members were recorded as being in attendance.

[See Yea and Nay No. 310 in Supplement.]

Therefore a quorum was present.

Further amendment rejected,— yea and nay No. 311.

After remarks on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Sciortino of Medford; and on the roll call 10 members voted in the affirmative and 146 in the negative.

[See Yea and Nay No. 311 in Supplement.]

Therefore the further amendment was rejected.

Amendment rejected,— yea and nay No. 312.

On the question on adoption of the amendment offered by Mr. Patrick of Falmouth, the sense of the House was taken by yeas and nays, at his request; and on the roll call 15 members voted in the affirmative and 141 in the negative.

[See Yea and Nay No. 312 in Supplement.]

Therefore the amendment was rejected.

Mr. Petrolati of Ludlow being in the Chair,—

Mr. Kulik of Worthington then moved to amend the bill by adding the following section:

"SECTION 43. Notwithstanding any general or special law to the contrary, the department of transitional assistance may amend its supplemental nutrition assistance program outreach plan, in this section referred to as SNAP, to include SNAP application assistance and retention activities conducted by community-based organizations or other state agencies; provided, further, that the department is authorized to maximize federal reimbursement from the United States Department of Agriculture for funds identified by community-based organizations for SNAP application assistance and retention activities, including assistance and retention activities funded through private, state or community development block grants; and, provided, further, that the department may provide the federal reimbursements identified for SNAP outreach efforts to commonwealth agencies and departments and community-based organizations engaged in outreach efforts, and for the administrative costs incurred by an agency, department or organization in claiming the federal reimbursements or processing additional SNAP applications.".

The amendment was adopted.

Mr. Scaccia of Boston then moved to amend the bill in section 2 by inserting after item 0321-1510 the following item:

"0521-0000	For the reimbursement of the cost to conduct the three special elections to fill vacancies in the Norfolk, Bristol and Middlesex Senate District, the Middlesex, Suffolk and Essex Senate District and the 16th Essex Representative District	257,041".

The amendment was adopted.

Mr. Kane of Holyoke then moved to amend the bill by adding the following section:

"SECTION 44. Notwithstanding any general or special law to the contrary, the secretary of health and human services shall expend not less than $5,000,000 obtained from increased Federal Medical Assistance Percentage (FMAP) provided through the American Recovery and Reinvestment Act (ARRA) for the purpose of a one-time grant program to improve and enhance the ability of teaching and community hospitals to serve medically underserved populations more efficiently and effectively through the use of: community-based care, disease management services, primary care services with particular emphasis on medical home-based care, pharmacy management services and other services that the secretary deems relevant. The secretary shall publicize the existence of the grant program no later than April 1, 2010 to eligible providers and shall award grants no later than May 1, 2010. The criteria for selection shall be limited to, the following:

(1) financial performance measures including negative operating margins, insufficient cash flow, technical bond default and the uncertain ability to cover long-term obligations, as well as potential for loss of critical community services; and

(2) the percentage of patients with mental or substance abuse disorders served by a provider.".

The amendment was adopted.

Ms. Wolf of Cambridge then moved to amend the bill in section 2, in item 4000-0600, by adding the following: "Medicaid shall expend the $2.5M that was allocated for Long Term Care Options Counseling in the Fiscal Year 2010 budget or issue a report to the Legislature on the status of the funding".

The amendment was adopted.

Mr. Naughton of Clinton and other members of the House then moved to amend the bill by adding the following section:

"SECTION 45. Provided further that section 1 of chapter 692 of the acts of 1973 is hereby amended by striking out after the phrase 'nineteen hundred and fifty-eight and prior to' the words 'April first, nineteen hundred and seventy-three' and inserting in place thereof the phrase:— May seventh, nineteen hundred and seventy-five.".

The amendment was adopted.

Mr. Mariano of Quincy then moved to amend the bill in section 38, in line 427, by striking out the date "March 31, 2010" and inserting in place thereof the date "June 30, 2010"; and the amendment was adopted.

Ms. Walz of Boston then moved to amend the bill by inserting after section 20 the following section:

"SECTION 20A. Chapter 90 of the General Laws, as so appearing, is hereby amended by inserting after section 32I the following section:—

Section 32J. (a) As used in this section, 'carsharing organization' is a membership-based entity with a distributed fleet of private passenger motor vehicles that are made available to its members primarily for hourly or other short-term use through a self-service fully automated reservation system; provided, further, that a carsharing organization periodically charges a membership fee separate from any use-based fees relating to a specific vehicle; provided, however, that a carsharing organization does not include an arrangement where a separate written agreement is entered into each time a vehicle is transferred to its customer.

(b) Notwithstanding any general or special law, rule or regulation to the contrary, vehicles in a fleet of a carsharing organization shall display private passenger registration number plates as issued by the registrar; provided, however, that the fee paid by a carsharing organization for a private passenger registration number plate shall equal the fee paid for commercial registration plates.".

The amendment was adopted.

Mr. Murphy of Burlington then moved to amend the bill in section 2 by inserting after item 7003-0701 the following two items:

"9510-0000	For expenses incurred by the senate related to the joint committee on redistricting, prior appropriation continued	350,000

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9610-0000	For expenses incurred by the house of representatives related to the joint committee on redistricting, prior appropriation continued	350,000".

The amendment was adopted.

Messrs. Stanley of Waltham and Tobin of Quincy then moved to amend the bill in section 2 by inserting after item 1410-0400 the following item:

"1233-2450	For reimbursement to cities and towns for costs incurred for damage to municipal property and/or flood prevention efforts arising out of the March 2010 late winter rainstorm	20,000,000".

After debate on the question on adoption of the amendment, Mr. Murphy of Burlington moved to amend it by adding the following: "and by adding the following section:

SECTION 46. Notwithstanding any general or special law to the contrary, the funds for line item 1233-2450 shall not be appropriated until: (a) the state meets its minimum threshold for requesting a public assistance presidential disaster declaration as required by the Federal Emergency Management Agency; (b) an official certification of the cost is issued by the Massachusetts emergency management agency; (c) a request for a supplemental appropriation for reimbursement to cities and towns for costs incurred for damage to municipal property or flood prevention efforts arising out of the March 2010 late winter rainstorm is filed by the governor; and (d) until legislation has been filed and passed pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution.".

The further amendment was adopted.

The amendment, as amended, then also was adopted.

Ms. Callahan of Sutton then moved to amend the bill by adding the following section:

"SECTION 47. The office of the comptroller shall develop a free searchable website with comprehensive information on state budgets and expenditures. Such website shall have detailed information relative to all accounts within the annual appropriation act and any deficiency budgets. This information shall include, but is not limited to vendor and expenditure contract amounts related to employee benefits, salaries and wages, communications and utilities, printing and reproduction, professional service and fees, rentals and leases, repairs and maintenance, supplies and material, and travel. This website shall be updated by the office of the comptroller.

Furthermore, a detailed itemized budget relative to house and senate operations contained in any legislative accounts including: line items 9500-0000, 9600-0000, and 9700-0000 shall be filed by the offices of house speaker and senate president with both the house and senate committees on ways and means prior to the release of the annual house and senate budgets for the proposed fiscal year budget and any changes made to said itemized operations in such legislative accounts shall be duly noted. These itemized budgets shall include, but are not limited to vendor and expenditure contract amounts related to employee benefits, salaries and wages, communications and utilities, printing and reproduction, professional service and fees, rentals and leases, repairs and maintenance, supplies and material, and travel. These itemized budgets

and changes shall be made available on the website as well as to all members of the General Court.".

After debate the amendment was rejected.

Ms. Callahan then moved to amend the bill by adding the following section:

"SECTION 47. Chapter 7 of the General Laws is hereby amended by adding the following section:—

1. For purposes of this section, 'lean' means a performance oriented system for organizing and managing public sector services, products, operations, suppliers and customer relations to create measurable results, to improve public value and enhance service delivery. Such results, value and delivery may be expressed as providing goods and services with higher quality and fewer defects and errors, with less human effort, less space, less capital and less time than more traditional systems.

2. The Executive Office of Administration and Finance shall be responsible for implementing and overseeing a comprehensive Lean Enterprise Performance Program. The function of the program is to ensure state wide implementation of lean tools and techniques as a component of an overall performance management system for all executive branch agencies and departments. The Governor and the Executive Office of Administration and Finance shall be responsible for researching and reviewing how other states have successfully implemented and continue to execute lean performance models and measures. The governor shall make recommendations to the Executive Office of Administration and Finance on the desired structure to implement such a program and the initial necessary educational resources or consulting services needed to pilot and subsequently provide for full implementation of the program. Funding for a Lean Enterprise Performance Program shall be made via annual fiscal appropriations contained within the Executive Office of Administration and Finance.

3. The scope of responsibilities for the Lean Enterprise Performance Program shall include, but not be limited to, the following:

a. Create strategic and tactical approaches for lean implementation, including integration into State governance and operational systems.

b. Lead and develop the commonwealth's capacity to implement lean concepts, principles and methods within existing state government entities, including design and development of instructional and training materials as needed with the goal of integrating continuous improvement into the state wide organizational culture.

c. Create demand for lean concepts, principles and methods across various state agencies and departments. Communicate with agency secretariats, commissioners, directors, board, commissions and management to create interest and organizational skills to implement lean to improve specific departmental or agency results. Provide direction and advice to department heads and senior management to plan and implement departmental level lean initiatives: direct and review plans for leadership and assist with the selection of process improvement projects of key importance to department and agency goals,

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programs and missions that are focused on eliminating waste and inefficiencies and improving public services delivery flow.

d. Identify and assist departments in identifying potential lean projects, continuously evaluate organizational performance in meeting objectives, identify and structure the direction the lean implementation should take to provide for the greatest effectiveness and to justify critical and far reaching changes.

e. Lead the collection and reporting of data and learning related to lean accomplishments throughout the commonwealth. Widely disseminate lean results and learning goals with the public, stakeholders and other audiences at local, state and national levels to demonstrate the improved service outcomes, public benefits and returns on investment.

f. Evaluate the effect of unforeseen developments on plans and programs and present to top leadership suggested changes in overall direction or redirection. Provide input related to proposals regarding new or revised legislation, regulations and related changes which have a direct impact over the implementation.

g. Lead the development of alliances and partnerships with the business community, associations, consultants and other stakeholders to enhance external support and advance the implementation of lean concepts, principles and methods in Massachusetts state government.

h. Coordinate outreach and education efforts among the leadership and members of the general court and staff to build support for and understanding of the continuous nature of quality improvement efforts relative to a comprehensive state wide Lean Enterprise Performance Program.".

After remarks the amendment was rejected.

Ms. Reinstein of Revere then moved to amend the bill in line 397 by inserting after the word "owners" the words "and or lessees", in line 405 by striking out the word "of" and inserting in place thereof the words "who housed", and in line 447 by striking out the word "may" and inserting in place thereof the word "shall".

The amendments were adopted.

Mr. Webster of Pembroke then moved to amend the bill by adding the following section:

"SECTION 47. Notwithstanding any general or special law or regulation to the contrary, the Department of Unemployment Assistance shall amend any regulation within its authority, authorized by chapter 151A of the General Laws, to allow employers to defer, without interest or penalty, up to two-thirds of contributions due and payable for the first calendar quarter of calendar year 2010.".

The amendment was adopted.

Bill passed to be engrossed,—yea and nay No. 313.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Murphy of Burlington; and on the roll call 155 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 313 in Supplement.]

Therefore the bill (House, No. 4579, published as amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

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

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at ten minutes after seven 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 day at eleven o'clock A.M., in an Informal Session.

Thursday, March 25, 2010.

Met at seven minutes after 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).

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.

Resolutions.

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

Camp Fire USA.

Resolutions (filed by Speaker DeLeo of Winthrop, Mr. Fennell of Lynn and others) celebrating the centennial anniversary of Camp Fire USA;

Marjorie Greenway Mann.

Resolutions (filed by Mr. Atsalis of Barnstable) congratulating Marjorie Greenway Mann on the occasion of her one hundredth birthday;

Grace Community Church.

Resolutions (filed by Ms. Ehrlich of Marblehead) honoring the two hundredth anniversary of the establishment of the Grace Community Church of Marblehead; and

Thomas E. Strunk.

Resolutions (filed by Mr. Greene of Billerica) on the twenty-fifth anniversary of the tragic death of Billerica Police Officer Thomas E. Strunk who died in the line of duty;

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. Canessa of New Bedford, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Engrossed Bill.

Bill re-enacted.

The engrossed Bill establishing the Sandwich Economic Initiative Corporation (see Senate, No. 2073, amended) (which originated in the Senate), which had been returned to the Senate by His Excellency the Governor, with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Recess.

Recess.

At twenty minutes after eleven o'clock A.M., on motion of Mr. Smizik of Brookline (Mr. Donato of Medford being in the Chair), the House recessed until a quarter after one o'clock P.M.; and at twenty-one minutes after one o'clock the House was called to order with Mr. Donato in the Chair.

Paper from the Senate.

The Senate Bill authorizing the town of West Springfield to continue the employment of police chief Thomas E. Burke (Senate, No. 2297) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read. West Springfield,— police chief.

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

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

Orders of the Day.

House bills

Exempting the position of chief of police of the town of Natick from the civil service law (House, No. 4419) (its title having been changed by the committee on Bills in the Third Reading); and Third reading bills.

Relative to the transfer of land in the town of Sharon (House, No. 4468);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Engrossed Bills.

The engrossed Bill establishing a sick leave bank for Candace Cabey, an employee of the Trial Court (see Senate, No. 2273, amended) (which originated in the Senate), in respect to which the Senate had concurred in the adoption of the emergency preamble, 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.

Mr. Welch of West Springfield being in the Chair,—

Engrossed bills

Relative to assault and battery by means of a bodily substance upon correctional facility employees and expanding the prohibition on the dissemination of obscenity (see Senate, No. 997, amended); and Bills enacted.

Authorizing the town of West Springfield to continue the employment of police chief Thomas E. Burke (Senate, No. 2297);

(Which severally originated in the Senate);

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 eleven minutes after two o'clock P.M., on motion of Mr. Kafka of Stoughton (Mr. Welch of West Springfield being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.

Monday, March 29, 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 of Compassion and Truth, we live each moment of the day in Your presence. In Your goodness, help us to recognize this reality and to respond to it as we carry out our duties and our responsibilities during the course of this and every day. We pray for the strength and the courage to follow You, Your ways and precepts. This week, the Jewish and Christian communities are planning, observing and celebrating significant religious biblical feasts. The Jewish community is observing Passover which recalls, with a special meal, the march to freedom of God's people. The Christian community, during Holy Week, will observe several feasts which include Easter Sunday, the Feast of the Resurrection. May the spirit of this season remain with us throughout the year and influence our daily lives.

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.

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

Wellfleet,— rental properties.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill relative to property tax exemptions for rental properties in the town of Wellfleet restricted as affordable housing [see House, No. 2852] (for message, see House, No. 4584) was filed in the office of the Clerk on Friday, March 26.

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

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

Resolutions.

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

Leominster Colonial Band.

Resolutions (filed by Mr. Rosa of Leominster) congratulating the Leominster Colonial Band on its one hundredth anniversary; and

A. Theodore Welte.

Resolutions (filed by Representatives Sannicandro of Ashland, Conroy of Wayland, Dykema of Holliston, Linsky of Natick, Peisch

of Wellesley, and Richardson of Framingham) honoring A. Theodore Welte on the occasion of his retirement;

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.

Communications.

Communications

Underperforming schools,—regulations.

From the Department of Elementary and Secondary Education (under Sections 1J and 1K of Chapter 69 of the General Laws, as amended by Section 3 of Chapter 12 of the Acts of 2010) submitting proposed amendments to regulations on underperforming schools and school districts 603 CMR 2.00;

Life Sciences Center.

From the Life Sciences Center (under Section 1(b) of Chapter 56 of the Acts of 2009) relative to certain costs associated with said center as a supplement to its annual report and audit;

Executive Office of Transportation.

From the Executive Office of Transportation (pursuant to items 6000-0001 and 6010-0001 of Chapter 139 of the Acts of 2006) submitting reports, including STIP funding, Chapter 90 PWED fund, and Small Town Road Assistance (STRAP) reports; and

UMass Building Authority.

From the University of Massachusetts Building Authority submitting financial statements for the years ended June 30, 2008 and June 30, 2009 with independent auditors' report;

Severally were placed on file.

Annual and Special Reports.

Annual reports

Administrative Law Appeals.

Of the Division of Administrative Law Appeals (under Section 4H of Chapter 7 of the General Laws) relative to the status and disposition of the cases received in 2009;

Child abuse and neglect.

Of the District Attorney's Association (under Section 20D of Chapter 12 of the General Laws) relative to child abuse and neglect cases;

Green Communities,—alternative fuels.

Of the Executive Office of Energy and Environmental Affairs (under Section 1 of Chapter 169 of the Acts of 2008) detailing the progress in meeting the requirements of the Green Communities Act pertaining to certain alternative fuel vehicles;

Ethics Commission.

Of the State Ethics Commission (under Section 2(1) of Chapter 268B of the General Laws) concerning the monies disbursed by the commission during the fiscal year 2009 and the names, duties and salaries of the individuals employed by said commission;

Water Pollution Abatement.

Of the Water Pollution Abatement Trust (under Section 17 of Chapter 29C of the General Laws) for the fiscal year ended June 30, 2009, reflecting the overall fiscal health of the trust; and

Public Counsel Services.

A report of the Committee for Public Counsel Services (under item 0321-1500 of Chapter 27 of the Acts of 2009) relative to the case load and expenses of said committee;

Severally were placed on file.

Papers from the Senate.

A Bill designating a certain overpass in the city of Haverhill as the Captain Richard J. Cashin Memorial Overpass (Senate, No. 2328) (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.

Haverhill,—Cashin Overpass.

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

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

The following order, having been approved by the committees on Rules of the two branches, acting concurrently, came from the Senate with the endorsement that it had been adopted by said branch, as follows:

"*Ordered*, That, notwithstanding the provisions of Joint Rule 10, the joint committee on Revenue be granted until March 31, 2010 within which to make its final report on current Senate document numbered 1866 relative to taxation.".

Revenue committee,—extension of time for reporting.

Under suspension of the rules, on motion of Mr. Kaufman of Lexington, the order was considered forthwith; and it was adopted, in concurrence.

The Senate Bill requiring adequate education relative to the proper safety and operation of a motorcycle for minors (Senate, No. 2344) (on Senate bill No. 1894), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Minors,—motorcycle safety.

Bills

Relative to the interest rate to be charged on certain betterment assessments in the town of Wareham (Senate, No. 2140) (on a petition) [Local Approval Received];

Wareham,—betterments.

Relative to interest rates to be charged upon apportioned betterment assessments in the town of Wareham (Senate, No. 2141) (on a petition) [Local Approval Received]; and

Id.

Relative to the North Carver Water District (Senate, No. 2348) (on Senate bill No. 2153) [Local Approval Received];

North Carver Water District.

Severally passed to be engrossed by the Senate were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

A petition of Thomas M. McGee and Lori Ehrlich for legislation to establish a sick leave bank for John Phelan, an employee of the Massachusetts Department of Transportation, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

John Phelan,—sick leave.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2350) was referred, in concurrence, to the committee on Public Service.

Reports of Committees.

Millis,—annual town election.

By Mr. Moran of Boston, for the committee on Election Laws, on a message from His Excellency the Governor, a Bill authorizing the town of Millis to conduct its annual town election on May 11, 2010 (printed in House, No. 4578). Read; and 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 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.

John Riordan,—sick leave.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill establishing a sick leave bank for John Riordan, an employee of the Trial Court (Senate, No. 2227, amended) be scheduled for consideration by the House.

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

Sean O'Brien,—sick leave.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill establishing a sick leave bank for Sean O'Brien, an employee of the Department of Transitional Assistance (Senate, No. 2288), be scheduled for consideration by the House.

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

Meraly Rivera,—sick leave.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill establishing a sick leave bank for Meraly Rivera, an employee of the Department of Children and Families (House, No. 4570) be scheduled for consideration by the House.

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

Campaign finance.

By Mr. Moran of Boston, for the committee on Election Laws, on a petition, a Bill changing the campaign finance reporting cycle (House, No. 593). Read; and referred, under Rule 16C, to the House committee on Ethics.

Somerville,—retired employees.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill relative to the health insurance of retired employees of the city of Somerville (House, No. 4199) [Local Approval Received].

Wayland,—benefits.

By the same member, for the same committee, on a petition, a Bill establishing a post employment benefits trust fund in the town of Wayland (House, No. 4319) [Local Approval Received].

Brookline,—retired employees.

By the same member, for the same committee, on a petition, a Bill relative to health insurance coverage for retired employees of the town of Brookline (House, No. 4451) [Local Approval Received].

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

By Mr. Moran of Boston, for the committee on Election Laws, on a petition, a Bill relative to the street list (House, No. 551). Street lists.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill authorizing the Department of Conservation and Recreation to enter into a certain lease (House, No. 4482). Cambridge,—North Point Park.

By Mr. Torrisi of North Andover, for the committee on Higher Education, on a petition, a Bill to support and increase the number of qualified providers of intensive intervention providers for children with autism spectrum disorders (House, No. 153, changed, in line 10, by striking out "2010" and inserting in place the following: "2012"). Autism,—intervention providers.

By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, on House, No. 34 and on a part of House, No. 30, a Bill relative to the regulation of gun shows (House, No. 34). Gun shows,—regulate.

By the same member, for the same committee, on House, No. 45 and on a part of House, No. 30, a Bill relative to the Architectural Access Board (House, No. 45). Architectural Access Board.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill relative to making provisional employees in civil service positions permanent in those positions (House, No. 2598). Civil service positions.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Moran of Boston, for the committee on Election Laws, on a petition, a Bill prohibiting certain election practices (House, No. 557). Election practices.

By the same member, for the same committee, on a petition, a Bill to provide to certain employees of the Commonwealth the right to participate collectively in the political process (House, No. 577) [Representative Jones of North Reading dissenting]. State employees,—politics.

By the same member, for the same committee, on a petition, a Bill to ensure secure voting equipment (House, No. 649). Voting equipment.

By the same member, for the same committee, on a petition, a Bill relative to the recall of elective officers in the town of North Andover (House, No. 1893) [Local Approval Received]. North Andover,—recalls.

By the same member, for the same committee, on a petition, a Bill regulating elections in the town of Yarmouth (House No. 4243) [Local Approval Received]. Yarmouth,—elections.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Belmont to recall elected officials (House, No. 4414) [Local Approval Received]. Belmont,—recalls.

By Ms. Coakley-Rivera of Springfield, for the committee on Labor and Workforce Development, on a petition, a Bill relative to pooling of tips (House, No. 4324). Tips,—pooling.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill promoting regionalism and efficient government (House, No. 1991). Government,—regionalism.

By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, on House, No. 46 and on a part of House, No. 30, a Bill relative to the Recreational Tramway Board (House, No. 46). Tramway Board.

Holyoke,—safety.

By the same member, for the same committee, on a petition, a Bill relative to public safety in the city of Holyoke (House, No. 4418) [Local Approval Received].

William J. Higgins.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill relative to William J. Higgins, an employee of the town of Nantucket (House, No. 1125) [Local Approval Received].

Millis,—retired police.

By the same member, for the same committee, on a petition, a Bill authorizing the appointment of retired Millis police officers as special police officers in the town of Millis (House, No. 1882) [Local Approval Received].

Boston,—nurses.

By the same member, for the same committee, on a petition, a Bill authorizing the city of Boston retirement board to grant creditable service to certain nurses (House, No. 2518).

Edward Grace.

By the same member, for the same committee, on a petition, a Bill authorizing Edward Grace to take the civil service examination (House, No. 2551).

Billerica,—civil service.

By the same member, for the same committee, on a petition, a Bill to exempt clerical positions in the town of Billerica from civil service (House, No. 4391) [Local Approval Received].

Sheffield,—police chief.

By the same member, for the same committee, on a petition, a Bill authorizing James M. McGarry to continue to serve as police chief in the town of Sheffield (House, No. 4487) [Local Approval Received].

France Bonnayer.

By the same member, for the same committee, on a petition, a Bill to establish a sick leave bank for Frances Bonnayer (House, No. 4573).

Westminster,—bridge naming.

By Mr. Wagner of Chicopee, for the committee on Transportation, on a petition, a Bill dedicating a certain bridge in the town of Westminster to Ryan Patrick Jones (House, No. 4437).

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

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

Senate bills

Falmouth,—wind energy.

Relative to the financing of wind energy facilities in the town of Falmouth (Senate, No. 2291, amended) [Local Approval Received];

Colrain,—recall elections.

Providing for recall in the town of Colrain (printed as House, No. 4384) [Local Approval Received]; and

House bills

Nutrition.

Relative to nutrition awareness in schools (House, No. 147, changed);

Life insurance.

Relative to savings bank life insurance (House, No. 889, changed);

Banks.

Relative to bank branches (House, No. 916);

Mutual companies.

Revising certain provisions of the mutual holding company law (House, No. 917);

Insurance.

Relating to fire insurance (House, No. 957);

Mortgages.

Making technical corrections in the law relative to discharge of certain mortgages (House, No. 996);

Subdivisions.

To promote open space residential development (House, No. 1219);

Truancy.

Regarding school attendance (House, No. 4281);

Further defining the membership of the Franklin Foundation (House, No. 4343) [Local Approval Received]; Franklin Foundation.

Authorizing the city of Methuen to repay the borrowing of certain monies for the satisfaction of a final judgment under the applicable provisions of Chapter 44 of the General Laws for a period of up to (20) years (House, No. 4404) [Local Approval Received]; Methuen,—finances.

Establishing a Raynham development revolving fund (House, No. 4485) [Local Approval Received]; and Raynham,—fund.

Relative to certain banking laws (House, No. 4537); Banking.

Severally placed in the Orders of the Day for the next sitting for a second reading.

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

Report of the committee on Financial Services, ought NOT to pass, on the petition (accompanied by bill, House, No. 858) of Bruce J. Ayers that banking and lending institutions be required to issue certain information on monthly statements to mortgage loan customers; Mortgage statements.

Report of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 909) of William C. Galvin relative to the regulation of joint bank accounts; Joint bank accounts.

Report of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 994) of James M. Murphy relative to making technical corrections in the law relative to discharge of certain mortgages; Mortgage discharges.

Report of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1051) of Walter F. Timilty relative to regulating the distribution and sale of securities under the uniform securities law; and Securities,—distribution.

Report of the committee on Revenue, ought NOT to pass, on the petition (accompanied by bill, House, No. 3854) of Steven J. D'Amico, Patricia D. Jehlen and others relative to motion picture tax credits. Motion picture tax credits.

Severally placed in the Orders of the Day for the next sitting, the question, in each instance, being on acceptance.

Orders of the Day.

The House Bill validating certain town meetings and town elections in the town of Wilbraham (printed in House, No. 4564) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence. Third reading bill.

Order.

On motion of Mr. DeLeo of Winthrop,—

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

At twenty-eight minutes before twelve o'clock noon, on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Wednesday at eleven o'clock A.M.

Wednesday, March 31, 2010.

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.

Statement of Representative Fox of Boston.

A statement of Ms. Fox of Boston was spread upon the records of the House, as follows:

Statement of Ms. Fox of Boston.

MR. SPEAKER: I would like to call to the attention of the House the fact that I was not present in the House Chamber for a portion of today's sitting because I was attending a funeral. Had I been present for the taking of yea and nay numbers 314 and 315, I would have voted, in each instance, in the affirmative. My missing of roll calls today was due entirely to the reason stated.

Statement Concerning Representative Harkins of Needham.

A statement of Mr. Mariano of Quincy concerning Mrs. Harkins of Needham was spread upon the records of the House, as follows:

Statement concerning Mrs. Harkins of Needham.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Harkins of Needham, is unable to be present in the House Chamber for today's sitting due to medical reasons. Her missing of roll calls today will be due entirely to the reason stated.

Statement Concerning Representative Nangle of Lowell.

A statement of Mr. Mariano of Quincy concerning Mr. Nangle of Lowell was spread upon the records of the House, as follows:

Statement concerning Mr. Nangle of Lowell.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Nangle of Lowell, is unable to be present in the House Chamber for today's sitting due to medical reasons. His missing of roll calls today will be due entirely to the reason stated.

Statement Concerning Representative St. Fleur of Boston.

A statement of Mr. Vallee of Franklin concerning Ms. St. Fleur of Boston was spread upon the records of the House, as follows:

Statement concerning Ms. St. Fleur of Boston.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative St. Fleur of Boston, is unable to be present in the House Chamber for today's sitting because she is addressing a United Nations Assembly, Donor's Conference on Haiti. Her missing of roll calls today is due entirely to the reason stated.

Guests of the House.

Hingham High School,—hockey team.

During the session, Mr. Bradley of Hingham briefly took the Chair, declared a brief recess, and introduced the Hingham High School hockey team and coaches. Mr. Bradley then presented the head coach, Tony Messina, with a citation of the House of Representatives congratulating the team on winning the 2010 Super 8 Division 1A State Championship.

Resolutions.

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

Dighton Public Library.

Resolutions (filed by Mrs. Haddad of Somerset) celebrating the centennial of the Dighton Public Library; and

Cameron James Foss.

Resolutions (filed by Mrs. Haddad of Somerset) congratulating Cameron James Foss on receiving the Eagle Award of the Boy Scouts of America;

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. Linsky of Natick, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Orders.

The following order (filed by Mr. Dempsey of Haverhill) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Economic Development and Emerging Technologies committee,—extension of time for reporting.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Economic Development and Emerging Technologies be granted until Friday, May 21, 2010, the time within which to make its report on current Senate documents numbered 174, 2038, 2039, 2040 and 2042 and House documents numbered 330, 334, 337, 343, 640, 4063, 4064, 4065, 4066, 4067, 4068, 4069, 4081, 4082 and 4490.

Mr. Binienda of Worcester, for the committees on Rules, reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Dempsey, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

The following order (filed by Mr. Straus of Mattapoisett) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Environment, Natural Resources and Agriculture committee,—extension of time for reporting.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Environment, Natural Resources and Agriculture be granted until Wednesday, March 31, 2010, within which to make its final report on current Senate documents numbered 386 and 387 and current House document numbered 818.

Mr. Binienda of Worcester, for the committees on Rules, reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Straus, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

The following order (filed by Mr. Sánchez of Boston) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Public Health be granted until Wednesday, May 12, 2010, within which to make its final report of current Senate documents numbered 807, 834, 866, 867, 872, 876, 878, 890 and 909 and current House documents numbered 2031, 2059, 2069, 2073, 2084, 2086, 2118, 2128, 2135, 2138, 2139, 3477, 3722, 3910 and 3912.

Public Health committee,—extension of time for reporting.

Mr. Binienda of Worcester, for the committees on Rules, reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Sánchez, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Annual and Monthly Reports.

Annual reports

Of the Pioneer Valley Transit Authority (under Section 8 of Chapter 161B of the General Laws) of its accomplishments and achievements during the fiscal year 2009; and

Pioneer Valley Transit.

Of the State Lottery Charitable Gaming Commission (under the provisions of Section 38 of Chapter 10 of the General Laws) submitting its annual report for the year 2009; and

State Lottery Charitable Gaming Commission.

A monthly report of the Division of Unemployment Assistance (under the provisions of Chapter 142 of the Acts of 2003) relative to the condition of the Commonwealth's Unemployment Trust Fund for February, 2010.

Unemployment Trust Fund.

Severally were placed on file.

Petitions.

Petitions severally were presented and referred, as follows:

By Representative Peake of Provincetown and Senator O'Leary, a joint petition (accompanied by bill House, No. 4586) of Sarah K. Peake and Robert A. O'Leary (by vote of the town) that the town of Harwich be authorized to issue three additional licenses for the sale of all alcoholic beverages to be drunk on the premises. To the committee on Consumer Protection and Professional Licensure.

Harwich,—liquor license.

By Mr. Linsky of Natick, a petition (accompanied by bill, House, No. 4585) of David P. Linsky (by vote of the town) relative to the transfer of certain conservation land in the town of Sherborn; and

Sherborn,—land.

By Representative Peake of Provincetown and Senator O'Leary, a joint petition (accompanied by bill House, No. 4587) of Sarah K. Peake and Robert A. O'Leary (by vote of the town) that the town of Harwich be authorized to establish a special fund to assist persons with financial hardships;

Harwich,—Caleb Chase.

Severally to the committee on Municipalities and Regional Government.

Severally sent to the Senate for concurrence.

Papers from the Senate.

A Bill providing a tax exemption for certain qualifying real estate in the town of Hamilton (Senate, No. 2085) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was

Hamilton,—real estate tax.

Hamilton,— real estate tax.

read; and it was 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 by the House.

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

Wakefield,— police chief.

A Bill exempting the position of deputy chief of police in the town of Wakefield from the civil service law (Senate, No. 2230) [Local Approval Received], passed to be engrossed by the Senate was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Quincy,— texting ban.

A petition (accompanied by bill, Senate, No. 2336) of Michael W. Morrissey, Bruce J. Ayers, Ronald Mariano and A. Stephen Tobin (with the approval of the mayor and city council) for legislation to ban texting while driving in the city of Quincy, was referred, in concurrence, to the committee on Transportation.

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 following petitions:

Fire service,— eligibility lists.

Petition (accompanied by bill) of Eugene L. O'Flaherty relative to placement of certain persons on the civil service eligibility list for original appointment to the fire service. To the committee on Public Service.

Dennis and Yarmouth,— Xiarhos Bridge.

Joint petition (accompanied by bill) of Cleon H. Turner, Robert A. O'Leary and Demetrius J. Atsalis for legislation to designate a certain bridge on Route 28 over the Bass River connecting the towns of Dennis and Yarmouth as the United States Marine Corporal Nicholas G. Xiarhos Bridge. To the committee on Transportation.

Under suspension of the rules, on motion of Kafka of Stoughton, the reports were considered forthwith. Joint Rule 12 was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration:

Christine Frangakis,— sick leave.

Of the Bill establishing a sick leave bank for Christine Frangakis, an employee of the department of public health (Senate, No. 2269, amended); and

Revere,— holidays.

Of the Bill authorizing the Revere school department to be open on Suffolk county holidays (House, No. 1129) [Local Approval Received].

And recommending that the same severally be referred to the committee on Ways and Means.

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

Judith R. Abraham,— sick leave.

By Mr. Spellane of Worcester, for the committee on Public Service, on a joint petition, a Bill establishing a sick leave bank for Judith R.

Abraham, an employee of the Department of Developmental Services (House, No. 4574). 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. Kulik of Worthington, 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 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. 4574, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Manchester-by-the-Sea,—land.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill authorizing the town of Manchester-by-the-Sea to grant an easement on certain water protection land (House No. 4304) [Local Approval Received] be scheduled for consideration by the House.

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

Boxford,—recall elections.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill providing for recall elections in the town of Boxford (House No. 4381) [Local Approval Received] be scheduled for consideration by the House.

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

Frances Bonnayer,—sick leave.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill to establish a sick leave bank for Frances Bonnayer (House No. 4573) 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.

Undocumented aliens,—impact.

Mr. Binienda of Worcester, for the committee on Rules, that the House Resolve providing for an investigation and study by a special commission relative to the impact of undocumented aliens residing in the Commonwealth (House, No. 133, changed) ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Engrossed Resolve.

Resolve passed.

The engrossed Resolve providing for an investigation and study by a special commission on the reuse of Westborough State Hospital (see Senate, No. 2219, amended) (which originated in the Senate), having been certified by the Clerk to rightly and truly prepared for final passage, was passed; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Third reading bills.

Senate bills

Establishing a sick leave bank for John Riordan, an employee of the Trial Court (Senate, No. 2227, amended); and

Establishing a sick leave bank for Sean O'Brien, an employee of the Department of Transitional Assistance (Senate, No. 2288);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

Third reading bill.

The House Bill authorizing the town of Millis to conduct its annual town election on May 11, 2010 (printed in House, No. 4578), 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.

Second reading bills.

Senate bills

Relative to the financing of wind energy facilities in the town of Falmouth (Senate, No. 2291, amended); and

Providing for recall in the town of Colrain (printed as House, No. 4384); and

House bills

Relative to nutrition awareness in schools (House, No. 147, changed);

Revising certain provisions of the mutual holding company law (House, No. 917);

Relating to fire insurance (House, No. 957);

Making technical corrections in the law relative to discharge of certain mortgages (House, No. 996);

To promote open space residential development (House, No. 1219);

Further defining the membership of the Franklin Foundation (House, No. 4343);

Authorizing the city of Methuen to repay the borrowing of certain monies for the satisfaction of a final judgment under the applicable provisions of Chapter 44 of the General Laws for a period of up to (20) years (House, No. 4404);

Establishing a Raynham development revolving fund (House, No. 4485); and

Relative to certain banking laws (House, No. 4537);

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

House reports.

House reports

Of the committee on Financial Services, ought NOT to pass, on the petition (accompanied by bill, House, No. 858) of Bruce J. Ayers

that banking and lending institutions be required to issue certain information on monthly statements to mortgage loan customers;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 909) of William C. Galvin relative to the regulation of joint bank accounts;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 994) of James M. Murphy relative to making technical corrections in the law relative to discharge of certain mortgages;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1051) of Walter F. Timilty relative to regulating the distribution and sale of securities under the uniform securities law; and

Of the committee on Revenue, ought NOT to pass, on the petition (accompanied by bill, House, No. 3854) of Steven J. D'Amico, Patricia D. Jehlen and others relative to motion picture tax credits.

Severally were accepted.

Recess.

Recess.

At half past eleven o'clock A.M., on motion of Mr. Fresolo of Worcester (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at fourteen minutes after one o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Engrossed Bill — Land Taking.

Woburn,— land.

The engrossed Bill relative to the use of a parcel of land in the city of Woburn for recreational purposes (see House, No. 4449) (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. 314.

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 lands 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. 314 in Supplement.]

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

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

Statement of Mr. Rogers of Norwood.

MR. SPEAKER: I would like to call to the attention of the House the fact that, on the taking of the above yeas and nays, I was not recorded due to being on official business in another part of the State House. Had I been present, I would have voted in the affirmative.

Emergency Measures.

John Riordan,— sick leave.

The engrossed Bill establishing a sick leave bank for John Riordan, an employee of the Trial Court (see Senate, No. 2227, amended), having been certified by the Clerk to be rightly and truly prepared

John Riordan,—sick leave.

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 40 to 0. Sent to the Senate for concurrence.

Sean O'Brien,—sick leave.

The engrossed Bill establishing a sick leave bank for Sean O'Brien, an employee of the Department of Transitional Assistance (see Senate, No. 2288), 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 40 to 0. Sent to the Senate for concurrence.

Orders of the Day.

Meraly Rivera,—sick leave.

The House Bill establishing a sick leave bank for Meraly Rivera, an employee of the Department of Children and Families (House, No. 4570), 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 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. 4570, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Liquor legal liability insurance.

The House Bill relative to liquor legal liability insurance (House, No. 947), 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 the following two sentences: "The applicant or licensee shall provide proof of such insurance coverage as is required by this section by filing a certificate of insurance in a form acceptable to the local licensing authorities on or before January 1, 2011, and for each year thereafter for which such is granted or renewed. Such insurance shall be subject to sections 5 and 6 of chapter 175A of the General Laws.". After remarks the amendment was adopted.

Bill passed to be engrossed,—yea and nay No. 315.

After remarks on the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Koutoujian of Waltham; and on the roll call 145 members voted in the affirmative and 4 in the negative.

[See Yea and Nay No. 315 in Supplement.]

[Representatives Barrows of Mansfield, Conroy of Wayland and Galvin of Canton answered "Present" in response to their names.]

Therefore the bill (House, No. 947, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to assault and battery on health care providers (House, No. 1696), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Health care providers,— assault.

After remarks on the question on passing the bill to be engrossed, Mr. Rodrigues of Westport moved to amend it by striking out all after the enacting clause and inserting in place thereof the following:

"Section 13I of chapter 265 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the language in the section and inserting in place thereof the following language:—

Section 13I. Whoever commits an assault or an assault and battery on an emergency medical technician, an ambulance operator, an ambulance attendant or a health care provider defined in section 1 of chapter 111, or anyone involved in treating or transporting in the line of duty, shall be punished by imprisonment in the house of correction for not less than 90 days nor more than 2½ years or by a fine of not less than $500 nor more than $5,000, or both.".

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 155 members voted in the affirmative and 0 in the negative.

Amendment adopted,— yea and nay No. 316.

[See Yea and Nay No. 316 in Supplement.]

Therefore the amendment was adopted.

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 Mr. O'Flaherty of Chelsea; and on the roll call (Mr. Donato of Medford being in the Chair) 155 members voted in the affirmative and 0 in the negative.

Bill passed to be engrossed,— yea and nay No. 317.

[See Yea and Nay No. 317 in Supplement.]

Therefore the bill (House, No. 1696, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

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

Next sitting.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty-eight minutes after two o'clock P.M., on motion of Mr. Kulik of Worthington (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.

Thursday, April 1, 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.

Ever-living God, we begin today's legislative session with a prayer of thanksgiving for our many material and spiritual blessings which we enjoy each day. We often take them for granted and so fail to recognize You, as the Giver of Every Good Gift. During this Passover and Easter season, we are quite conscious of Your presence in our lives and Your personal concern for our total well-being. Inspire us to respond to You and Your blessings by renewing our commitment to follow Your biblical and cultural message and spirit. Let the family spirit of the season unite all families in a greater love for, and trust in, each other. May all members of our communities unite their efforts in recognizing the biblical dignity and reverence for each individual in our diverse society. Happy Passover and Easter.

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.

Message from the Governor.

Millville,—nomination papers.

A message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to certain nomination papers filed in the town of Millville (House, No. 4583), was filed in the office of the Clerk on Friday, March 26, 2010.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Election Laws. Sent to the Senate for concurrence.

Resolutions.

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

Falmouth,—library and hospital.

Resolutions (filed by Messrs. Patrick of Falmouth and Madden of Nantucket) commending the Falmouth Public Library and Falmouth Hospital for their service to cancer survivors; and

Tyler N. Adams.

Resolutions (filed by Ms. Wolf of Cambridge) honoring Tyler N. Adams on receiving the Eagle Award of the Boy Scouts of America;

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.

Reports of Committees.

By Ms. Forry of Boston, for the committee on Community Development and Small Businesses, on a petition, a Bill establishing a revolving fund for municipal building repair (House, No. 211). Read; and referred, under Rule 17G, to the committee on Bonding, Capital Expenditures and State Assets.

Municipal building repair.

By Ms. Forry of Boston, for the committee on Community Development and Small Businesses, on a petition, a Bill relative to financing the Smart Growth Housing Trust Fund (House, No. 197).

Smart Growth Housing Trust Fund.

By the same member, for the same committee, on a petition, a Bill incorporating carsharing in smart growth planning (House, No. 204).

Smart growth,— carsharing.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Ms. Forry of Boston, for the committee on Community Development and Small Businesses, on a petition, a Bill relative to commercial rebate expiration (House, No. 203).

Commercial rebate expiration.

By Mr. Moran of Boston, for the committee on Election Laws, on a petition, a Bill relative to specially qualified voters (House, No. 674) [Representative Jones of North Reading dissenting].

Specially qualified voters.

By the same member, for the same committee, on a petition, a Bill relative to absentee voting (House, No. 676).

Absentee voting.

By the same member, for the same committee, on a petition, a Bill relative to pre-registration of voters (House, No. 683).

Voters,— pre-registration.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill establishing a sick leave bank for Stephen R. Fratalia, an employee of the Department of Probation (House, No. 4576).

Stephen R. Fratalia,— sick leave.

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for a certain employee of the Commonwealth of Massachusetts Trial Court security department's office (House, No. 4577).

Stephanie Savini,– sick leave.

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

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 eight minutes after eleven o'clock A.M., on motion of Mrs. Poirier of North Attleborough (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.

Monday, April 5, 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, we begin a week following the holy and biblical observance and celebration of Passover and Resurrection with hearts and minds filled with hope, joy and enthusiasm. As a result, may we, as a society, be drawn together in a spirit of goodwill, the love of truth and virtue and a respect and reverence for each individual in our community. In these difficult economic and political times, inspire us to seek, with Your assistance, the most reasonable, objective and just answers to our many societal challenges. Help us to encourage all people to use their human talents and gifts wisely and prudently as they live their daily lives and promote the common good. As we address current issues, may the needs of future generations be a reality in our proposals.

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

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.

Military personnel,—license plates.

A message from His Excellency the Governor recommending legislation relative to special license plates for certain military personnel (House, No. 4588) was filed in the office of the Clerk on Thursday, April 1.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Transportation. Sent to the Senate for concurrence.

Resolutions.

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

Erica Gold.

Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) honoring Erica Gold on her receipt of the Metro West Jewish War Veterans' scholarship; and

Richard F. Todd.

Resolutions (filed by Mr. Turner of Dennis) congratulating Richard F. Todd on the occasion of his retirement from the Yarmouth Fire Department;

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. Pedone of Worcester, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Reports.

Reports

Of the Executive Office of Energy and Environmental Affairs (under Section 20 of Chapter 204 of the Acts of 2006) with respect to the state-wide environmental justice program adopted by the Secretary of Environmental Affairs; and

Environmental justice program.

Of the Massachusetts Bay Transportation Authority (under Subsection 11 of Section 151 of Chapter 127 of the Acts of 1999) providing the net operating investment per passenger mile ratio for fiscal years 2008 through 2010;

M.B.T.A.,— passenger mile ratio.

Severally were placed on file.

Papers from the Senate.

Bills

Authorizing the town of Chelmsford to convey certain conservation land and grant certain easements (Senate, No. 2287, amended in section 1, in line 6, by inserting after "2009" the following: ", revised September 30, 2009") (on a petition) [Local Approval Received]; and

Chelmsford,— easement.

Amending the charter of the town of Winchendon (Senate, No. 2333) (on Senate, No 2064) [Local Approval Received];

Winchendon,— town charter.

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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 Thomas M. Petrolati that the Department of Children and Families be authorized to establish a sick leave bank for Sarah F. Bowler, an employee of said department. Under suspension of the rules, on motion of Mr. Kafka of Stoughton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Sarah F. Bowler,— sick leave.

By Mr. Binienda of Worcester, for the committees on Rules of the two branches, acting concurrently, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3969) of Jay R. Kaufman for legislation to eliminate the Legislative Research Council and the Legislative Research Bureau and to establish a legislative budget office,— and recommending that the same be referred to the House committee on Rules.

Legislative budget office.

Under rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence in so much as relates to the discharge in the joint committee.

By Mr. Moran of Boston, for the committee on Election Laws, on a message from His Excellency the Governor, a Bill relative to certain nomination papers filed in the town of Millville (printed in House, No. 4583). Read; and referred under Rule 7A, to the committee on Steering, Policy and Scheduling.

Millville,— nomination papers.

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 Ms. Balser of Newton, the bill was read a second time forthwith; and it was ordered to a third reading.

Gentamycin,—risks.

By Mr. Sánchez of Boston, for the committee on Public Health, on a petition, a Bill relative to gentamycin pediatric risk notification (House, No. 2027).

Controlled substances.

By the same member, for the same committee, on a petition, a Bill relative to controlled substances (House, No. 2037).

Lupus Erythematosus.

By the same member, for the same committee, on a petition, a Bill to establish a Lupus Erythematosus study and registry (House, No. 2050).

Lung injury registry.

By the same member, for the same committee, on a petition, a Bill relative to a transfusion related acute lung injury registry (House, No. 2088).

Colorectal cancer.

By the same member, for the same committee, on a petition, a Bill ensuring access to life-saving colorectal cancer screenings (House, No. 2185).

Artificial trans fat.

By the same member, for the same committee, on a petition, a Bill relative to foods containing artificial trans fat (House, No. 3595).

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

Gaming,—expand.

By Mr. Dempsey of Haverhill, for the committee on Economic Development and Emerging Technologies, on Senate, Nos. 174, 2038, 2039, 2040 and 2042 and House, Nos. 330, 334, 640, 4063, 4064, 4065, 4066, 4068, 4069, 4081 and 4082, a Bill establishing expanded gaming in the Commonwealth (House, No. 4591). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Mr. Binienda of Worcester, for said committees, then reported recommending that the bill ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Middlesex Canal Commission.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill relative to the Middlesex Canal Commission (House, No. 784).

Water infrastructure.

By the same member, for the same committee, on a petition, a Bill to establish the water infrastructure finance commission (House, No. 825).

Severally read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Boating regulations and penalties.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill relative to certain environmental boating regulations and penalties (House, No. 773).

Old growth forests.

By the same member, for the same committee, on a petition, a Bill authorizing the establishment of old growth forest reserves (House, No. 774).

Conservation restrictions.

By the same member, for the same committee, on a petition, a Bill amending the conservation restrictions and agricultural preservation statutes (House, No. 775).

Sewer rate relief fund.

By the same member, for the same committee, on a petition, a Bill relative to the sewer rate relief fund (House, No. 781).

By the same member, for the same committee, on a petition, a Bill establishing the lake restoration and preservation fund and program (House, No. 787). Lakes,— preserve.

By the same member, for the same committee, on a petition, a Resolve establishing a special commission relative to Whitman's Pond in Weymouth (House, No. 788). Weymouth,— Whitman's Pond.

By the same member, for the same committee, on a petition, a Bill protecting the viability of farms in the Commonwealth (House, No. 809). Farms,— protect.

By the same member, for the same committee, on a petition, a Bill to create a world class park system (House, No. 822). Park system.

By the same member, for the same committee, on a petition, a Bill directing the Department of Conservation and Recreation to maintain certain property (House, No. 823). Boston and Brookline,— VFW Parkway.

By the same member, for the same committee, on a petition, a Bill relative to snowmobile registration numbers (House, No. 829). Snowmobiles,— registration.

By the same member, for the same committee, on a petition, a Bill authorizing the lease of certain recreational facilities to the town of Milton (House, No. 845). Milton,— Max Ulin Rink.

By the same member, for the same committee, on a petition, a Bill exempting towns from certain fees (House, No. 847). Hazardous waste fees.

By the same member, for the same committee, on a petition, a Bill relative to the operating and management of rights of way (House, No. 848). Rights of way.

By the same member, for the same committee, on a petition, a Bill to authorize the Department of Food and Agriculture to expend a certain sum of money for integrated pest management and control of invasive plants (House, No. 3444). Pest and invasive plant control.

By the same member, for the same committee, on a petition, a Bill further regulating hazardous and toxic material (House, No. 3446). Hazardous material.

By the same member, for the same committee, on a petition, a Bill establishing a special commission on community farming (House, No. 3551). Community farming.

By the same member, for the same committee, on a petition, a Bill to convey land in Robinson State Park in the town of Agawam for the purpose of electrical transmission (House, No. 3555). Agawam,— Robinson Park.

By the same member, for the same committee, on a petition, a Bill relative to the use of buildings and park land in the town of Hull for development purposes (House, No. 3666). Hull,— land and buildings.

By Mr. Wagner of Chicopee, for the committee on Transportation, on a petition, a Bill relative to truck inspections (House, No. 3357). Truck inspections.

By the same member, for the same committee, on a petition, a Bill relative to safe transportation infrastructure (House, No. 3365). Transportation infrastructure.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill relative to the composition of the Massachusetts Water Resources Authority board of directors (House, No. 3807). Water Resources Authority.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill designating the Samuel E. Zoll Building (House, No. 1481). Salem,— Zoll Building.

Historic stone walls.

By the same member, for the same committee, on a petition, a Bill relative to historic stone walls (House, No. 1694).

Swimming pools.

By Mr. Wagner of Chicopee, for the committee on Transportation, on a petition, a Bill relative to the transportation of swimming pools (House, No. 4025).

Turnpike,— air rights.

By the same member, for the same committee, on a petition, a Bill relative to the development of air rights over the Massachusetts Turnpike (House, No. 3364).

Sanborn Library.

By the same member, for the same committee, on a petition, a Bill naming the State Transportation Library the George M. Sanborn Library (House, No. 3266).

Commercial vehicles,— weight.

By the same member, for the same committee, on a petition, a Bill to exempt the weight of idle reduction systems for commercial vehicles from maximum weight restrictions (House, No. 3334).

Commuter boats.

By the same member, for the same committee, on a petition, a Bill relative to changes of rates and scheduling changes by commuter boats (House, No. 3172).

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

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

House bills

Martha's Vineyard.

Establishing the Martha's Vineyard housing bank (printed as Senate, No. 1316) [Local Approval Received];

Nantucket.

Establishing the Nantucket housing bank (printed as Senate, No. 2123); and

Stephen Fratalia.

Establishing a sick leave bank for Stephen R. Fratalia, an employee of the Department of Probation (House, No. 4576); and

Stephanie Savini,— sick leave.

Establishing a sick leave bank for a certain employee of the Commonwealth of Massachusetts Trial Court Security Department's office (House, No. 4577);

Severally placed in the Orders of the Day for the next sitting for a second reading.

Engrossed Bills.

Engrossed bills

Bills enacted.

Establishing a sick leave bank for John Riordan, an employee of the Trial Court (see Senate, No. 2227, amended); and

Establishing a sick leave bank for Sean O'Brien, an employee of the Department of Transitional Assistance (see Senate, No. 2288);

(Which severally originated in the Senate);

In respect to each of which the Senate had concurred in adoption of the emergency preamble, 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,—

Next sitting.

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

At thirteen minutes after eleven o'clock A.M., on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Wednesday at eleven o'clock A.M.

Wednesday, April 7, 2010.

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

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

Prayer.

Eternal God, we begin today's formal legislative session with a prayer for guidance and direction. Our intention for this and every day is to serve You, our constituents and our families faithfully. In Your goodness, help us to understand clearly and to address correctly the legislative and administrative issues which come before us. In these difficult economic times, inspire us to select legislative options which serve the current and future best interests of the people and our communities. When we disagree on sensitive public policy issues, teach us, as a society, to dialogue in a civil, honest, reasoned and objective manner. Grant us the courage to remain faithful to our own philosophical and religious principles as we struggle to carry out our constitutional obligations.

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

Statement Concerning Representative Bosley of North Adams.

A statement of Ms. Haddad of Somerset concerning Mr. Bosley of North Adams was spread upon the records of the House, as follows:

Statement concerning Mr. Bosley of North Adams.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Bosley of North Adams, is unable to be present in the House Chamber for today's sitting due to official business outside of the State House. His missing of the roll call today is due entirely to the reason stated.

Statement Concerning Representative Callahan of Sutton.

A statement of Ms. Haddad of Somerset concerning Ms. Callahan of Sutton was spread upon the records of the House, as follows:

Statement concerning Ms. Callahan of Sutton.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Callahan of Sutton, is unable to be present in the House Chamber for today's sitting due to the funeral of her mother-in-law. Her missing of the roll call today is due entirely to the reason stated.

Statement Concerning Representative Peterson of Grafton.

A statement of Mr. Jones of North Reading concerning Mr. Peterson of Grafton was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Peterson of Grafton, was unable to be present in the House Chamber for today's sitting due to being unavoidably delayed in transit. His missing of the roll call today is due entirely to the reason stated.

Statement concerning Mr. Peterson of Grafton.

Guests of the House.

During the session, the Chair (Mr. Donato of Medford), declared a brief recess, and introduced the Cheerleading Team from North Attleborough High School. They were the guests of Representative Poirier of North Attleborough. The team then assembled in the well of the House, where Mrs. Poirier presented each cheerleader with citations of the House congratulating the team on their accomplishment of a very successful season.

North Attleborough,— cheerleaders.

Subsequent to the noon recess,— Mr. Fagan of Taunton, who was in the Chair, introduced the 5th grade class of Saint Mary's School in the city of Taunton. Representative Fagan then welcomed the students to the State House and the Chamber of the House.

Taunton,— 5th grade class.

Communication.

A communication from the Office of the Child Advocate of their intent (notwithstanding the provisions of Section 134 of Chapter 176 of the Acts of 2008) to delay submission of the comprehensive plan for response to child abuse and neglect until September 1, 2010, was placed on file.

Child abuse report,— delay.

Reports of Committees.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the House Bill establishing expanded gaming in the Commonwealth (House, No. 4591) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Expanded gaming.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill establishing the Massachusetts state pilotage rate board (Senate, No. 2174, amended) ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4603. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

State pilotage rate board.

By Mr. Koutoujian of Waltham, for the committee on Financial Services, on Senate, No. 473 and House, No. 910, a Bill to provide coverage for hearing aids for children (House, No. 910).

Hearing aids.

By the same member, for the same committee, on Senate, Nos. 494 and 521 and House, Nos. 938 and 978, a Bill to streamline the physician credentialing process (House, No. 978, changed by striking out section 1 and inserting in place thereof the following section:

Physician credentialing process.

"SECTION 1. Section 1 of chapter 176O of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the definition of 'Health care services' the following new definition:—

Physician credentialing process.

'Hospital-based physician', a pathologist, anesthesiologist, radiologist or emergency room physician who practices exclusively within the inpatient or outpatient hospital setting and who provides health care services to a carrier's insured only as a result of the insured being directed to the hospital inpatient or outpatient setting. This definition may be expanded, after consultation with a statewide advisory committee composed of an equal number of organizations representing providers and those representing health plans including but not limited to a representative from the Massachusetts Medical Society, the Massachusetts Association of Health Plans, the Massachusetts Association of Medical staff Services, and Blue Cross Blue Shield of Massachusetts, by regulation to include additional categories of providers who practice exclusively within the inpatient or outpatient or outpatient hospital setting and who provide health care services to a carrier's insured only as a result of the insured being directed to the hospital inpatient or outpatient setting."; and by striking out section 3 and inserting in place thereof the following section:

"SECTION 3. The act shall become effective on January 1, 2011.").

Mitochondrial disease.

By the same member, for the same committee, on a petition, a Bill providing for care and treatment of patients with mitochondrial disease (House, No. 1033).

Craniofacial disorders.

By the same member, for the same committee, on Senate, No. 449 and House, Nos. 932 and 1034, a Bill relative to insurance coverage for craniofacial disorders (House, No. 1034).

Mental health treatment.

By the same member, for the same committee, on a petition, a Bill relative to the continuity of care of mental health treatment (House, No. 3559).

Health insurance.

By the same member, for the same committee, on House, Nos. 3452 and 4605, a Bill relative to small business health insurance (House, No. 4605).

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

Charging stations.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill promoting the establishment and use of electric vehicle charging stations (House, No. 698).

Management plan.

By the same member, for the same committee, on a petition, a Bill creating the non-indigenous species management plan (House, No. 705).

Regional water districts.

By the same member, for the same committee, on a petition, a Bill to provide technical assistance in the creation of regional water districts (House, No. 727).

Energy conservation.

By the same member, for the same committee, on a petition, a Bill to limit outdoor night lighting, conserve energy, and reduce light pollution (House, No. 731).

Pesticides.

By the same member, for the same committee, on a petition, a Bill to prevent the use of the most dangerous pesticides (House, No. 755).

Solid waste.

By the same member, for the same committee, on a petition, a Bill to reduce solid waste in the Commonwealth (House, No. 756).

Public input.

By the same member, for the same committee, on a petition, a Bill to provide public input into changes to public lands and buildings located thereon (House, No. 758).

By the same member, for the same committee, on a petition, a Bill to increase recycling (House, No. 769). Recycling.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill relative to Title V approval (House, No. 751). Title V.

By the same member, for the same committee, on a petition, a Bill regulating the organic content in newly constructed and renovated lawns (House, No. 754). Lawns,— organic content.

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

Recess.

At eight minutes after eleven o'clock A.M., on motion of Mrs. Poirier of North Attleborough (Mr. Donato of Medford being in the Chair), the House recessed until the hour of two o'clock P.M.; and at nine minutes after two o'clock the House was called to order with Mr. Fagan of Taunton in the Chair. Recess.

Engrossed Bills.

Mr. Petrolati of Ludlow being in the Chair,—

The engrossed Bill validating the actions taken at certain town meetings and town elections in the town of Wilbraham (see House bill printed in House, No. 4564) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted (more the two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate. Bill enacted.

The engrossed Bill authorizing the appointment of special police officers in the city known as the town of Greenfield (see House, No. 636) (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. Id.

Papers from the Senate.

Mr. Donato of Medford being in the Chair,—

The engrossed Bill relative to assault and battery by means of a bodily substance upon correctional facility employees and expanding the prohibition on the dissemination of obscenity (see Senate, No. 997, amended), which had been returned to the Senate by His Excellency the Governor (under Article LVI of the Amendments to the Constitution) with recommendation of amendment [for message, see Senate, No. 2361], came from said branch with the endorsement that it had adopted said amendment in section 1 striking out subsection (d). Correctional facility employees,— assault and battery.

Under suspension of Rule 35, on motion of Mr. Costello of Newburyport, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Mr. Petrolati of Ludlow being in the Chair,—

Athol,— part-time firefighters.

A petition of Steven M. Brewer and Christopher J. Donelan for legislation to exempt part-time call firefighters in the town of Athol from the civil service law, came from the Senate referred, under suspension of Joint Rule 7B, to the committee on Revenue.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2368) was referred, in concurrence, to the committee on Revenue.

Reports of Committees.

Dinamarie McCarthy,— sick leave.

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 Ronald Mariano that the Department of Children and Families be authorized to establish a sick leave bank for Dinamarie McCarthy, an employee of said department.

Under suspension of the rules, on motion of Mr. Mariano of Quincy, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Public Service. Sent to the Senate for concurrence.

Expanded gaming bill,— procedures.

Mr. Binienda of Worcester, for the committee on Rules, reported (under the provisions of House Rules 7B and 7C) an Order relative to special procedures for consideration of the House Bill relative to expanded gaming in the Commonwealth (House, No. 4951) (for order, see House, No. 4604).

Order adopted,— yea and nay No. 318.

After remarks on the question on adoption of the order, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 155 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 318 in Supplement.]

Therefore the order (House, No. 4604) was adopted.

Orders of the Day.

Second reading bills.

The Senate Bill further regulating funeral processions (Senate, No. 1884, amended); and

House bills

Establishing a sick leave bank for Stephen R. Fratalia, an employee of the Department of Probation (House, No. 4576); and

Establishing a sick leave bank for a certain employee of the Commonwealth of Massachusetts Trial Court Security Department's office (House, No. 4577).

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

Mr. Donato of Medford being in the Chair,—

House bills

Third reading bills.

Relative to designating a certain motor vehicle plate assignment (House, No. 4515); and

Establishing a sick leave bank for Frances Bonnayer, an employee of the Massachusetts Department of Transportation (House, No. 4573) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

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

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at three minutes before three 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 day at eleven o'clock A.M., in an Informal Session.

Thursday, April 8, 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.

Gracious God, Eternal Source of Truth, Hope and Goodness, as we face today's legislative decisions and options we pray for truth in our minds, hope in our souls and goodness in our thoughts. We also pray for the gifts of knowledge which enables us to comprehend issues clearly and wisdom to make the right and wise decisions as we carry out our obligations. May we also keep in mind our personal high ideals and lofty goals as we search together for clear and reasoned responses to the needs of people. In these troublesome times, teach us to be good listeners to the suggestions of constituents who struggle each day to meet their responsibilities. Inspire us to work together in building confidence in our constitutional principles and in our ability to meet the many challenges of the times.

Grant Your blessing to the Speaker, to 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.

Appointment of the Minority Leader.

Water Infrastructure Finance Commission.

The Minority Leader announced that he had appointed Mr. Dave Hanlon, the Director of Government Services at WorldTech Engineering, LLC, to serve on the special Water Infrastructure Finance Commission established (under Section 145 of Chapter 27 of the Acts of 2009) to develop a comprehensive, long-range water infrastructure finance plan for the Commonwealth and municipalities.

Guests of the House.

Holy Name Parish School.

During the session, the Chair (Mr. Donato of Medford), declared a brief recess, and introduced the sixth grade class from the Holy Name Parish School in West Roxbury. Accompanied by the school's principal, Mrs. Linda Workman, they were the guests of Representative Rush of Boston.

Resolutions.

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

African Lodge No. 459.

Resolutions (filed by Ms. Allen of Boston) celebrating the sixth biennial opening of African Lodge No. 459;

Christopher Pittsley.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Christopher Pittsley on earning the Eagle Scout Award;

Resolutions (filed by Mr. Kujawski of Webster) congratulating Saint Anne School of Webster on the occasion of their one hundred twenty-fifth anniversary; Webster,—Saint Anne School.

Resolutions (filed by Mr. Rush of Boston) congratulating Padraig O'Brien upon achieving the rank of Eagle Scout; and Padraig O'Brien.

Resolutions (filed by Mr. Stanley of Waltham) congratulating Joseph J. Greenburg on the occasion of his one hundredth birthday; Joseph F. Greenburg.

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 Ms. Provost of Somerville, 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 Ms. Callahan of Sutton, a petition (subject to Joint Rule 12) of Jennifer M. Callahan relative to enterprise funds in cities and towns; Enterprise funds.

By Ms. Ehrlich of Marblehead, a petition (subject to Joint Rule 12) of Lori Ehrlich, Steven J. D'Amico and others relative to the classification of and response to natural gas leaks; Natural gas leaks.

By Ms. Gifford of Wareham, a petition (subject to Joint Rule 12) of Viriato Manuel deMacedo and Peter J. Opachinski for legislation to further regulate the holding of retained funds from contractors and sub-contractors in private construction; Retained funds,—regulation.

By Representative Gifford of Wareham and Senator Pacheco, a joint petition (subject to Joint Rule 12) of Susan Williams Gifford and Marc R. Pacheco for legislation to designate a certain bridge in the town of Wareham as the 1st Sgt. Charles W. Parker Memorial Bridge; Wareham,—Parker bridge.

By Mr. Guyer of Dalton, a petition (subject to Joint Rule 12) of Denis E. Guyer relative to the issuance of firearms identification cards to certain current and former members of the armed forces; Firearms identification,—armed forces.

By Mr. Keenan of Salem (by request), a petition (subject to Joint Rule 12) of Stefano Picciotto relative to estates of homestead for debt; Homestead.

By Mr. Keenan of Salem (by request), a petition (subject to Joint Rule 12) of Stefano Picciotto relative to the estate of homestead to the extent of five hundred thousand dollars; Id.

By Mr. Rush of Boston, a petition (subject to Joint Rule 12) of Michael F. Rush relative to the custody of children by persons on military service overseas; and Military,—children.

By Representatives Stanley of Newbury and Costello of Newburyport, a petition (subject to Joint Rule 12) of Harriet L. Stanley and Michael A. Costello for legislation to authorize the Governor to designate additional justices of the peace in the towns of Groveland and Rowley. Groveland and Rowley,—justices of the peace.

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

Papers from the Senate.

The House Bill prohibiting devocalization of dogs and cats (House, No. 344) 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 2359. Dogs and cats,—devocalization.

Under suspension of Rule 35, on motion of Mr. Pedone of Worcester, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Arlington,— ballot question.

The House Bill authorizing the town of Arlington to place a certain town question relative to the sale of alcoholic beverages at the town election (House, No. 4403) 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. Notwithstanding any limitations imposed by section 11 of chapter 138 of the General Laws as to the time and manner of voting on the question, the state secretary shall cause to be placed on the official ballot to be used in the town of Arlington at the biennial state election to be held in the year 2010 the following question:— Shall the board of selectmen be authorized to grant up to 3 licenses for the sale of all alcoholic beverages not to be drunk on the premises in replacement of up to 3 existing licenses for the sale of wines and malt beverages not to be drunk on the premises?

Yes_____ No_____."; and striking out the title and inserting in place thereof the following title: "An act authorizing the placement of a certain question on the ballot to be used at the 2010 biennial state election in the town of Arlington relative to the sale of all alcoholic beverages not to be drunk on the premises.".

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.

Milton,— liquor license.

The Senate Bill to authorizing the town of Milton to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises of a certain restaurant (Senate, No. 141, amended in section 1, in line 15, by adding the following sentence: "The license may be reissued by the licensing authority at the same location if an applicant for the license files with the licensing authority a letter in writing from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid. If the license granted under this act is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto to the licensing authority and the licensing authority may then grant the license to a new applicant at the same location and under the same conditions as specified in this act."; and in section 2, in line 16, by inserting after the word "passage" the following "; provided, however, that if the license authorized in section 1 is not issued within 4 years after the effective date of this act, no license shall be granted under this act") [Local Approval Received], passed to be engrossed by the Senate was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reports of Committees.

Bank charters.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill relative to the conversion of a Massachusetts chartered bank or

credit union to a federal or other charter (House, No. 1016),— and recommending that the same be referred to the committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted.

Salem,— Samuel E. Zoll Building.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill designating the Samuel E. Zoll Building (House, No. 1481) 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.

Bleeding disorders.

By Mr. Sánchez of Boston, for the committee on Public Health, on House, Nos. 915 and 2098, a Bill relative to coverage and standards of treatment of persons with bleeding disorders (House, No. 4590).

Nurse anesthetists.

By the same member, for the same committee, on Senate, No. 844 and House, No. 2082, a Bill relative to nurse anesthetists (House, No. 4593).

Hearing aids.

By the same member, for the same committee, on House, No. 3598, a Bill to provide coverage for hearing aids (House, No. 4594).

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

Fuel costs.

By Mr. Finegold of Andover, for the committee on Telecommunications, Utilities and Energy, on a petition, a Resolve providing for an investigation and study by a special commission relative to reducing fuel costs of cities and towns (House, No. 3129). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Water management.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill relative to water management (House, No. 699).

Housing land.

By Mr. Honan of Boston, for the committee on Housing, on a petition, a Bill relative to development of local housing authority surplus land (House, No. 3903).

Neighborhoods.

By the same member, for the same committee, on House, Nos. 1232, 3571, and 3692, a Bill to stabilize neighborhoods (House, No. 4595).

Mobile spas.

By Mr. Sánchez of Boston, for the committee on Public Health, on House, No. 3721, a Bill relative to mobile spas (House, No. 4592).

Tenant energy efficiency.

By Mr. Finegold of Andover, for the committee on Telecommunications, Utilities and Energy, on House, No. 3083, a Resolve providing for a hearing to study commercial tenant energy efficiency (House, No. 4596).

Solar hot water.

By the same member, for the same committee, on House, No. 3084, a Resolve providing for a hearing to study solar hot water installations (House, No. 4597).

Weymouth,— wind turbine.

By the same member, for the same committee, on House, No. 3094, a Resolve providing for an investigation and study by a special commission relative developing a wind turbine project in the town of Weymouth (House, No. 4598).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Private restrooms.

By Mr. Sánchez of Boston, for the committee on Public Health, on Senate, No. 879 and House, No. 2074, a Bill relative to public access of private restrooms (House, No. 2074).

Public records.

By Mr. Finegold of Andover, for the committee on Telecommunications, Utilities and Energy, on Senate, No. 1512 and House, No. 3117, a Bill relating the public records law (House, No. 4602).

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

Engrossed Bill.

Bill re-enacted.

The engrossed Bill relative to assault and battery by means of a bodily substance upon correctional facility employees and expanding the prohibition on the dissemination of obscenity (see Senate, No. 997, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Third reading bill.

The Senate Bill designating a certain overpass in the city of Haverhill as the Captain Richard J. Cashin Memorial Overpass (Senate, No. 2328), 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.

Third reading bills.

House bills

Relative to an extension of a lease by the town of Watertown for the Watertown Boys and Girls Club (House, No. 4504); and

Establishing a sick leave bank for Stephanie Savini, an employee of the Trial Court (House, No. 4577) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

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

At twenty minutes before twelve o'clock noon, on motion of Mr. Peterson of Grafton (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.

Monday, April 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 of Goodness and Mercy, we depend upon You for guidance as we begin this morning's legislative session. We believe that Your assistance enables us to set our own spiritual and material goals for the day, to organize our agenda for the day and to recognize our daily blessings. In these changing times, inspire us to reason and plan together to address the legislative and administrative challenges which we face, as a society. In discussing sensitive public policy, free our hearts and minds of all discord, confusion and prejudice. Inspire us to seek truth in our search for building a peaceful, just, civil and ethical society in which each individual is respected. May we continue our united efforts to meet the needs of people and the Commonwealth with integrity of heart and singleness of purpose.

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.

Messages from the Governor.

Ashfield,—validate election.

A message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating action taken at a special town election held in the town of Ashfield (House, No. 4612) was filed in the office of the Clerk on Friday, April 9.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Election Laws. Sent to the Senate for concurrence.

Muskeget Island,—conservation.

A message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to ensuring the proper conservation of Muskeget Island (House, No. 4613) was filed in the office of the Clerk on Friday, April 9.

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

Sherborn,—conservation land.

A message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to making a technical correction in a

special law relative to certain land in the town of Sherborn (House, No. 4614) was filed in the office of the Clerk on Friday, April 9.

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

Resolutions.

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

Kenneth F. Galligan.

Resolutions (filed by Representatives Creedon of Brockton, Cavanan of Brockton and Brady of Brockton) congratulating Chief Kenneth F. Galligan on the occasion of his retirement;

Timothy Kilduff.

Resolutions (filed by Ms. Dykema of Holliston and other members of the House) honoring Timothy Kilduff and the Boston Marathon on the occasion of the two thousand five hundredth anniversary of the Battle of Marathon;

Dimitri Kyriakides.

Resolutions (filed by Ms. Dykema of Holliston and other members of the House) honoring Dimitri Kyriakides and the Boston Marathon on the occasion of the two thousand five hundredth anniversary of the Battle of Marathon;

Spyros Zagaris.

Resolutions (filed by Ms. Dykema of Holliston and other members of the House) honoring Mayor Spyros Zagaris and the Boston Marathon on the occasion of the two thousand five hundredth anniversary of the Battle of Marathon;

Taunton Women's Club.

Resolutions (filed by Mr. Fagan of Taunton) congratulating the Taunton Women's Club on the occasion of its one hundredth anniversary;

Richard Serino.

Resolutions (filed by Ms. Reinstein of Revere) congratulating Richard Joseph Serino on earning the Eagle Award of the Boy Scouts of America; and

Arthur W. McLaughlin.

Resolutions (filed by Mr. Webster of Hanson and other members of the House) congratulating Major Arthur W. McLaughlin on the occasion of his retirement from the Massachusetts State Police;

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. Mariano of Quincy, 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:

Taunton Hospital,—King Center.

By Representative Fagan of Taunton and Senator Pacheco, a joint petition (subject to Joint Rule 12) of James H. Fagan and Marc R. Pacheco relative to designating the Recovery Resource Center at Taunton State Hospital as the Dr. Marie King Recovery Resource Center;

Vocational schools,—funding.

By Mr. Falzone of Saugus, a petition (subject to Joint Rule 12) of Mark V. Falzone and James Dwyer relative to equal municipal contributions to vocational school districts; and

By Representative Smizik of Brookline and Senator Creem, a joint petition (subject to Joint Rule 12) of Frank I. Smizik and Cynthia Stone Creem relative to the licensure of professional landscape architects;

Landscape architects,—licensure.

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

Papers from the Senate.

A Bill establishing a sick leave bank for John Phelan, an employee of the Massachusetts Department of Transportation (Senate, No. 2350) (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.

John Phelan,—sick leave.

Subsequently Mr. Kafka of Stoughton, for said committee, reported that the matter be placed in the Orders of the Day for the next sitting for a second reading.

A Bill making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects and improve the fiscal stability of the Commonwealth (Senate, No. 2370) (on Senate, No. 2360), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Supplemental appropriations.

A petition of Frederick E. Berry for legislation to establish a sick leave bank for John Gendreau an employee of the Department of Revenue, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

John Gendreau,—sick leave.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2378) was referred, in concurrence, to the committee on Public Service.

Reports of Committees.

By Ms. Forry of Boston, for the committee on Community Development and Small Businesses, on a petition, a Bill relative to an economic development reinvestment program (House, No. 4123).

Economic reinvestment.

By Ms. Coakley-Rivera of Springfield, for the committee on Labor and Workforce Development, on House, No. 20 and a part of House, No. 16, a Bill to assist small business (House, No. 20).

Small businesses.

By the same member, for the same committee, on House, No. 22 and a part of House, No. 16, a Bill to extend the workforce training fund (House, No. 22).

Workforce training fund.

By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, on a petition, a Bill relative to a report of firearms statistics (House, No. 2238).

Firearms statistics.

By the same member, for the same committee, on a petition, a Bill relative to the architectural access board (House, No. 3600).

Architectural access board.

By Mr. Walsh of Lynn, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill relative to improving public safety and reducing construction costs (House, No. 2969).

Construction,—public safety.

Revenues and expenditures.

By the same member, for the same committee, on Senate, Nos. 1410 and 1455 and House, Nos. 2959, 2972, 3617 and 3970, a Bill relative to the Massachusetts revenues and expenditures transparency act (House, No. 2972).

Public Construction,— bidders.

By the same member, for the same committee, on a petition, a Bill relative to the determination of the lowest eligible and responsible bidder for certain public construction contracts (House, No. 2979).

Bulk purchasing.

By the same member, for the same committee, on a petition, a Bill relative to achieving cost-saving through bulk purchasing programs (House, No. 2991).

Paperwork reduction.

By the same member, for the same committee, on Senate, No. 1463 and House, No. 3051, a Bill to reduce paperwork in the commonwealth (House, No. 4606).

Zoological Corporation Board.

By Mr. Keenan of Salem, for the committee on Tourism, Arts and Cultural Development, on a petition, a Bill to reorganize the board of the Commonwealth Zoological Corporation (House, No. 4563).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Unemployment,— information sharing.

By Ms. Coakley-Rivera of Springfield, for the committee on Labor and Workforce Development, on House, No. 18 and a part of House, No. 16, a Bill authorizing the Department of Unemployment Assistance to share information with the joint task force on the underground economy (House, No. 18).

Noncompetition agreements.

By the same member, for the same committee, on House, Nos. 1794 and 1799, a Bill relative to noncompetition agreements (House, No. 4607).

Seafood processors.

By Mr. Koutoujian of Waltham, for the committee on Financial Services, on a petition, a Bill to assist seafood processors (House, No. 901).

Insurance producers.

By the same member, for the same committee, on a petition, a Bill relative to continuing education of insurance producers (House, No. 963, changed in line 4 by inserting before the word "Financial" the words "Insurance and".).

MBTA,— station renaming.

By Mr. Wagner of Chicopee, for the committee on Transportation, on a petition, a Bill relative to the MBTA's Copley and Science Park stations (House, No. 3363).

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

Pilot,— rates.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Senate Bill establishing the Massachusetts state pilotage rate board (Senate, No. 2174, amended) be scheduled for consideration by the House, with the amendment previously recommended by the committee on Ways and Means pending.

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

House bills

Newbury — Hayden bridge.

Designating a certain bridge in the town of Newbury in the honor of John B. Hayden (House, No. 3337);

Authorizing the Massachusetts Bay Transportation Authority to enter into agreements to enable extension of commuter rail passenger services to Nashua, New Hampshire (House, No. 3360); and Commuter rail,— extension.

Establishing expanded gaming in the Commonwealth (House, No. 4591) Gaming.

Severally placed in the Orders of the Day for the next sitting for a second reading.

Engrossed Bills.

The engrossed Bill authorizing the town of Millis to conduct its annual town election on May 11, 2010 (see House bill printed in House, No. 4578) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted (more the two-thirds of the members having agreed to pass the same; and it was signed by the acting Speaker and sent to the Senate. Bill enacted.

Engrossed bills

Designating a certain overpass in the city of Haverhill as the Captain Richard J. Cashin Memorial Overpass (see Senate, No. 2328) (which originated in the Senate); Bills enacted.

Prohibiting devocalization of dogs and cats (see House, No. 344, amended);

Establishing a municipal building fund and a municipal building committee in the town of West Boylston (see House, No. 4390);

Authorizing the placement of a certain question on the ballot to be used at the 2010 biennial state election in the town of Arlington relative to the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 4403, amended); and

Exempting the position of chief of police of the town of Natick from the civil service law (see House, No. 4419):

(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.

Orders of the Day.

The House Bill establishing a sick leave bank for Stephen R. Fratalia, an employee of the Trial Court (House, No. 4576) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence. Third reading bill.

Order.

On motion of Mr. DeLeo of Winthrop,—

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

Representatives Jones of North Reading and Grant of Beverly then moved that as a mark of respect to the memory of Francis W. Hatch, Jr., a member of the House from Beverly Farms from 1963 to 1978, inclusive, and the House Minority Leader from 1971 to 1978, inclusive, the House adjourn; and the motion prevailed.

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

Tuesday, April 13, 2010.

Met according to adjournment, at ten o'clock A.M., with Mr. Petrolati of Ludlow 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.

Eternal God, we pause for this moment of prayer as we turn our thoughts and attention to You, our Creator, and to spiritual matters. In Your goodness inspire us and grant us the strength to keep Your ways and precepts in focus as we make our daily legislative and personal decisions and choices. May our common goals, as the human family, help us to promote a society in which peace, justice and civility are recognized and respected by all. May we be united in heart and mind as we work together in fostering equal human and spiritual rights as well as equal opportunities in education and employment. Help us continue our efforts to enable all members of our society to utilize their unique human and intellectual talents and gifts wisely in living their daily lives.

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

Pledge of allegiance.

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

Statement of Representative Conroy of Wayland.

A statement of Mr. Conroy of Wayland was spread upon the records of the House, as follows:

Statement of Mr. Conroy of Wayland.

MR. SPEAKER: I would like to call to the attention of the House the fact that I was not able to be present in the House Chamber for a portion of today's sitting due to an unavoidable scheduling conflict. My missing of any roll calls today is due entirely to the reason stated.

Resolutions.

Mr. Donato of Medford being in the Chair,—

Millie Rich.

Resolutions (filed with the Clerk by Ms. Clark of Melrose) honoring Millie Rich of the Melrose Symphony Orchestra for her thirty years of service were referred, under Rule 85, to the committee on Rules:

Mr. Binienda of Worcester, for said committee, reported, that the resolutions ought to be adopted. Under suspension of the Rules, on motion of Mr. Dempsey of Haverhill, 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.

Autism,— study.

The Speaker being in the Chair,— the House Resolve providing for an investigation and study by a special commission relative to autism (House, No. 4382) came from the Senate passed to be engrossed, in concurrence, with an amendment in line 31 by striking out the following "on or before the last Wednesday of January 2010" and inserting in place the following "not later than January 26, 2011".

Under suspension of Rule 35, on motion of Ms. L'Italien of Andover, 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.

Bills

Sturbridge,— easement.

Relative to a betterment assessment in the town of Sturbridge (Senate, No. 2043) (on a petition) [Local Approval Received];

Wilbraham,— Christopher Doyle.

Authorizing the town of Wilbraham to provide certain benefits to Christopher J. Doyle (Senate, No. 2104) (on a petition) [Local Approval Received];

Carver,— water tax.

Authorizing the town of Carver to assess excise taxes on private water suppliers (Senate, No. 2143) (on a petition) [Local Approval Received]; and

Carver,— property tax.

Relative to payment of property taxes in the town of Carver (Senate, No. 2145) (on a petition) [Local Approval Received];

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reports of Committees.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of

Creditors,— unwanted calls.

The Bill to reduce unwanted communication from creditors to protect the peace and privacy of residents (House, No. 4131),— and recommending that the same be referred to the committee on Ways and Means; and

Railroad crossing.

The Bill relative to railroad crossings (House, No. 3359),— and recommending the same be recommitted to the committee on Transportation;

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

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

Expanded gaming.

The House Bill establishing expanded gaming in the Commonwealth (House, No. 4591) was discharged from its position in the Orders of the Day and read a second time forthwith, under suspension of Rule 47, on motion of Mr. Dempsey of Haverhill; and it was ordered to a third reading.

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

Pending the question on passing the bill to be engrossed, Ms. Callahan of Sutton moved to recommit it to the committee on Economic Development and Emerging Technologies, with instructions to hold a public hearing prior to Wednesday, May 5 and that further consideration of the bill shall not take place prior to Wednesday, May 12.

After debate on the motion to recommit with instructions, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 34 members voted in the affirmative and 119 in the negative.

Motion to recommit negatived,—yea and nay No. 319.

[See Yea and Nay No. 319 in Supplement.]

Therefore the motion to recommit was negatived.

Ms. Polito of Shrewsbury then moved to recommit the bill to the committee on Ways and Means, with instructions that the committee hold a public hearing on the bill, and that the committee include provisions for a competitive process for the awarding of gaming licenses and for gaming revenue to be dedicated to local aid.

After debate on the motion to recommit with instructions, the sense of the House was taken by yeas and nays at the request of Mr. Frost of Auburn; and on the roll call 30 members voted in the affirmative and 123 in the negative.

Motion to recommit negatived,—yea and nay No. 320.

[See Yea and Nay No. 320 in Supplement.]

Therefore the motion to recommit was negatived.

Mr. Petrolati of Ludlow being in the Chair,—

After debate on the question on passing the bill to be engrossed, Ms. Sandlin of Agawam moved to amend it by inserting after section 75 the following section:

"SECTION 75A. At least one of the casinos shall be located in Hampden, Hampshire, Franklin or Berkshire County.".

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Frost of Auburn; and on the roll call 17 members voted in the affirmative and 137 in the negative.

Amendment rejected,—yea and nay No. 321.

[See Yea and Nay No. 321 in Supplement.]

Therefore the amendment was rejected.

Mr. Smola of Palmer then moved to amend the bill by inserting after section 75 the following section:

"SECTION 75A. A minimum of one category 1 license shall be located in one of the following counties; Berkshire, Franklin, Hampden, Hampshire or Worcester.".

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Frost of Auburn; and on the roll call 30 members voted in the affirmative and 125 in the negative.

Amendment rejected,—yea and nay No. 322.

[See Yea and Nay No. 322 in Supplement.]

Therefore the amendment was rejected.

Mr. Guyer of Dalton then moved to amend the bill in section 12, in line 1481, by inserting after the following "section 1", the following "; provided however, that no category 1 gaming facility may be located in any municipality which does not maintain a full-time municipal police force staffed at a level greater than 3 full-time officers per 1,000 residents. For towns with less than 1,000 residents, there shall be no less than four full-time officers per municipal police force".

Amendment rejected,— yea and nay No. 323.

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 17 members voted in the affirmative and 138 in the negative.

[See Yea and Nay No. 323 in Supplement.]

Therefore the amendment was rejected.

Mr. Guyer then moved to amend the bill in section 12, in line 1481, by inserting after the following "section 1", the following "; provided, however, that no category 1 gaming facility may be located in any municipality which does not maintain a full-time, non-volunteer fire department".

Amendment rejected,— yea and nay No. 324.

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 19 members voted in the affirmative and 136 in the negative.

[See Yea and Nay No. 324 in Supplement.]

Therefore the amendment was rejected.

Mr. Guyer then moved to amend the bill in section 12, in line 1481, by inserting after the following "section 1", the following "; provided, however, that no category 1 gaming facility shall be located in any municipality which is not served by passenger rail service".

Amendment rejected,— yea and nay No. 325.

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 8 members voted in the affirmative and 143 in the negative.

[See Yea and Nay No. 325 in Supplement.]

Therefore the amendment was rejected.

Mr. Guyer then moved to amend the bill in section 12, in line 1481, by inserting after the following "section 1", the following "; provided, however, that a category 1 gaming facility must be located in a municipality through which an interstate highway runs or is contiguous to".

Amendment rejected,— yea and nay No. 326.

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 6 members voted in the affirmative and 149 in the negative.

[See Yea and Nay No. 326 in Supplement.]

Therefore the amendment was rejected.

Messrs. Murphy of Burlington and Dempsey of Haverhill then moved to amend the bill in section 12, in line 1599, by inserting after the word "commission." the following paragraph:

"(l) The commission shall take into consideration the physical distance between a category 1, 2 and 3 license and whether the location of said license maximizes the benefits to the commonwealth.".

Pending the question on adoption of the amendment, Mr. Dempsey moved to amend it by striking out the proposed paragraph and inserting in place thereof the following paragraph:

"(l) The commission shall take into consideration the physical distance in selecting the two resort casinos as they relate to each other and how they maximize benefits to the commonwealth.".

After debate the further amendment was adopted, thus precluding a vote on the pending amendment.

Ms. Atkins of Concord then moved to amend the bill in section 12, in line 2779, by inserting after the word "establishments." the following subsection:

"(g½) Gaming establishments shall not market to persons on the excluded persons list.".

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 80 members voted in the affirmative and 76 in the negative.

Amendment adopted,—yea and nay No. 327.

[See Yea and Nay No. 327 in Supplement.]

Therefore the amendment was adopted.

Ms. Atkins then moved to amend the bill in section 12, in line 2229, by inserting after the word "commission." the following paragraph:

"Section 31A. Gaming facilities shall display clocks in prominent areas. Gaming facilities shall make public disclosure of additives to air flow, including oxygen. Pheromones shall not be added to the air in gaming facilities.".

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 32 members voted in the affirmative and 124 in the negative.

Amendment rejected,—yea and nay No. 328.

[See Yea and Nay No. 328 in Supplement.]

Therefore the amendment was rejected.

Mr. Puppolo of Springfield then moved to amend the bill in section 12, in line 435, by inserting after the word "commonwealth" the following "; provided further that one member of the Commission shall reside in one of the four counties of western Massachusetts which is defined as Hampden, Hampshire, Franklin, or Berkshire counties.". After remarks the amendment was rejected.

Mrs. Poirier of North Attleborough then moved to amend the bill in section 12, in line 1467, by striking out the word "and" (the second time it appears); in line 1472, by striking the word "establishment." and inserting in place thereof the words "establishment; and"; and by inserting after said line the following paragraph:

"(iv) purchasing, whenever possible, domestically manufactured slot machines for installation in the gaming establishment.".

After remarks on the question on adoption of the amendments, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 154 members voted in the affirmative and 1 in the negative.

Amendments adopted,—yea and nay No. 329.

[See Yea and Nay No. 329 in Supplement.]

Therefore the amendment was adopted.

After remarks on the question on passing the bill, as amended, to be engrossed, Mr. Evangelidis of Holden moved to amend the bill in section 12, in line 501, by inserting after the word "commission" the following "; provided that the annual salary of the executive director does not exceed $125,000 per year".

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Smola of Palmer; and on the roll call 22 members voted in the affirmative and 133 in the negative.

Amendment rejected,—yea and nay No. 330.

[See Yea and Nay No. 330 in Supplement.]

Therefore the amendment was rejected.

Expanded gaming.

Ms. Balser of Newton then moved to amend the bill in section 12, in line 106, by inserting after the word "chapter;" the following:

"(1a) in order to ensure public confidence and strict oversight of all gaming establishments, the Massachusetts Gaming Commission shall develop a patron's bill of rights that will be posted visibly in each gaming establishment that will include but not be limited to the following best practices for the industry to promote entertainment and discourage predatory practices:

- A 1 ft x 1 ft sign will be posted on every gambling machine explaining the odds and algorithms of the machine.
- Any patron gambling for more than twelve consecutive hours must be identified and receive an intervention by a state public health official.
- Prohibit the practice of using 'Luck Ambassadors', staff who provide free play and other incentives in real time to players losing money to ensure that they continue to gamble.
- Prohibit the practice of using 'Hosts,' staff who are assigned to identify gamblers who are leaving with the purpose of encouraging them to return to the gambling establishment.
- Prohibit the selling or sharing of information by an ATM vendor with the gambling establishment for the purpose of marketing.
- Limit to $500 a day gambling losses per patron.
- Protect the patron's right to view their files kept by the gambling establishment regarding any individual data including, but not limited to, 'predicted lifetime value'.".

Quorum.

After remarks on the question on adoption of the amendment, Mr. Patrick of Falmouth asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,—yea and nay No. 331.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 153 members were recorded as being in attendance.

[See Yea and Nay No. 331 in Supplement.]

Therefore a quorum was present.

Amendment rejected,—yea and nay No. 332.

After further remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Ms. Balser of Newton; and on the roll call 18 members voted in the affirmative and 138 in the negative.

[See Yea and Nay No. 332 in Supplement.]

Therefore the amendment was rejected.

Ms. Polito of Shrewsbury then moved to amend the bill by striking out sections 2 and 3; in section 12, in line 102, by striking out the words "THE MASSACHUSETTS GAMING COMMISSION" and inserting in place thereof the following "THE MASSACHUSETTS GAMING LAW", in line 105, by inserting after the word "through" the words "a competitive bidding process for gaming licenses and", in lines 171 and 172, by striking out the words "thoroughbred horse racing facility or to a harness racing facility to operate up to 750" and inserting in place thereof the words "qualified bidder to operate", in lines 174, 175 and 176, by striking out the definition of "Category 3

license", in line 202, by inserting after the word "commission" the following "or the Lottery Commission as its successor in interest upon dissolution of the commission as provided in section 6 of this chapter", in line 240, and also in lines 242 and 243, by striking out the following ", category 2 or category 3" and inserting in place thereof, in each instance, the following "or category 2", in line 340, by inserting after the figures "10." the following paragraph:

" 'Lottery commission', the Massachusetts state lottery commission established pursuant to section 23 of chapter 10.", in line 357, by inserting after the word "commonwealth." the following definition:

" 'Qualified bidder,' an applicant for a category 1 or category 2 gaming license that satisfies the minimum criteria for application for a gaming license set forth in this chapter and as set forth by the commission.", in line 444, by inserting after the word "years" the words "or until such time as the commission is dissolved and its responsibilities are transferred to the Lottery commission, whichever is sooner", in line 830 to 834, inclusive, by striking out the paragraph in those lines and inserting in place thereof the following paragraph:

"Section 6. One hundred and eighty days after the commission awards the first gaming license issued under this chapter, the commission shall be dissolved and cease to exist, and all of its powers and responsibilities shall be transferred over to the Lottery commission, which thereafter shall have and exercise all lawful authority which is otherwise invested in the commission by way of this chapter and which is not inconsistent with chapter 10.", in line 926, by inserting after the word "technologies" the following paragraph:

"This section shall not apply to the operations of the Lottery commission on and after the time the Lottery commission assumes the power and responsibilities of the commission under section 6 of this chapter.", in line 1473, by striking out the following "2 category 1 licenses" and inserting in place thereof the following "up to 2 category 1 licenses and/or up to 4 category 2 licenses", in lines 1474, 1477 and 1487, by striking out the following "category 1" and inserting in place thereof, in each instance, the word "gaming", in line 1482, by striking out the following "or category 3", in lines 1497 to 1540, inclusive, by striking out the six paragraphs contained in those lines, in line 1551, by striking out the following "and category 3", in lines 1650, 1660 and 1662 and 1663, by striking out, in each instance, the words "or category 3", by striking out lines 1666 to 1669, inclusive, in line 1678, by striking out the words "on the premises" and inserting in place thereof the following "which existed on the premises in calendar year 2009 and which was licensed under chapter 128A to conduct live racing in calendar year 2009", in line 1679, by inserting after the word "that" the words "in the case of a thoroughbred horse racing facility or a harness horse racing facility", in line 1702, by inserting after the word "commission." the following paragraph:

"(e) This section shall not apply to any category 2 licensee where a greyhound racing facility, a thoroughbred horse racing facility or a harness horse racing facility did not exist on the premises in calendar year 2009 and was not licensed under chapter 128A to conduct live racing in calendar year 2009", in lines 1927, 1943 and 2010, by striking out the following "category 2 or category 3" and inserting in place thereof,

Expanded gaming.

in each instance, the following "or category 2", in line 2811, by striking out the following "or category 3", in lines 2815 and 2816, by striking out the following "and category 3 licensees shall pay a daily assessment of 10 per cent", in line 2817, by inserting after the figures "53" the following "; provided, that this paragraph shall not apply to any category 2 licensee where a greyhound racing facility, a thoroughbred horse racing facility or a harness horse racing facility did not exist on the premises in calendar year 2009 and was not licensed under chapter 128A to conduct live racing in calendar year 2009", by striking out lines 2818 to 2822, inclusive, in lines 2826 and 2827, by striking out the following "A category 1 licensee, a category 2 licensee and a category 3 licensee" and inserting in place thereof the words "Gaming licensees", in line 2970, by striking out the following "category 1, 2 or 3", by striking out lines 2979 to 2990, inclusive, and inserting in place thereof the following paragraph:

"(3) Fifty percent of any remaining monies in the fund after disbursement to sections 1 through 6 shall be transferred to the commonwealth stabilization fund established by section 2H of chapter 29, and fifty percent of such remaining monies shall be used to pay down then existing general obligation debt of the commonwealth in a manner which, in the discretion of the treasurer, would maximize savings for the commonwealth", by striking out lines 2991 to 3020, inclusive, and inserting in place thereof the following paragraph:

"Section 52. There is hereby established and placed upon the books of the commonwealth a Gaming Revenue Fund which shall receive revenues collected from the tax on gross gaming revenue received from gaming licensees.The commission shall be the trustee of the fund and shall transfer monies in the fund in accordance with the following provisions:—

(1) Until a category 1 facility is operational, one hundred per cent of the revenue received from category 2 licensees shall be transferred to the gaming local aid fund established by section 55.

(2) Upon the opening of a category 1 facility, all monies received into the fund shall be transferred as follows:—

(a) Two per cent shall be transferred to the community mitigation fund established by section 54; provided, however, that said fund balance shall not exceed $15,000,000. Funds in excess of $15,000,000 shall be transferred to the Gaming Local Aid Fund established by section 55.

(b) All remaining funds shall be transferred to the Gaming Local Aid Fund established by section 55.", by striking out lines 3102 to 3124, inclusive; and by striking out sections 26 and 27.

Amendments rejected,— yea and nay No. 333.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 14 members voted in the affirmative and 141 in the negative.

[See Yea and Nay No. 333 in Supplement.]

Therefore the amendments were rejected.

Mr. Lewis of Winchester then moved to amend the bill by inserting after section 75 the following section:

"SECTION 75A. The definition of 'slot machine' in section 2 of chapter 23K of the General Laws, as inserted by section 12, is hereby amended by adding the following paragraph:—

All slot machines must be affixed with a sticker or label delineating 1. The addictive nature of slot machines, 2. information regarding the programming and therefore non-randomness of slot machines, and 3. compulsive gambling hotline number. These stickers or labels must be affixed to the front of the machine, in plain sight of the machine user and of sufficient size to be easily read.".

After remarks (Mr. Donato of Medford being in the Chair) the amendment was rejected.

Mr. Patrick of Falmouth then asked for a count of the House to ascertain if a quorum was present. A count of the House showed that 100 members were in attendance. Quorum.

Mr. D'Amico of Seekonk then moved to amend the bill by inserting after section 75 the following section:

"SECTION 75A. Notwithstanding any general or special law to the contrary, each gaming establishment licensed to operate in the Commonwealth of Massachusetts must post in a conspicuous place at each electronic gaming machine the odds of each winning combination in at least 18 point type.".

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 20 members voted in the affirmative and 137 in the negative. Amendment rejected,— yea and nay No. 334.

[See Yea and Nay No. 334 in Supplement.]

Therefore the amendment was rejected.

Mr. D'Amico then moved to amend the bill by inserting after section 75 the following section:

"SECTION 75A. Notwithstanding any general or special law to the contrary, no gaming establishment licensed to operate in the Commonwealth of Massachusetts may bar a player from participating in any game or service offered to the public on the basis of that player's success in gaming when that success is due solely to the player's own skill [A], unaided by other individuals, or mechanical or electronic devices. A documented willful violation and/or a demonstrated pattern of violations of this provision shall be considered just cause for revocation of license to operate.".

Mr. Mariano of Quincy being in the Chair,—

Mr. D'Amico then moved to amend the amendment offered by him [at "A"] by inserting after the word "skill" the words "without sleight of hand or any fraudulent means".

After debate the further amendment was rejected.

The amendment then also was rejected.

Ms. Balser of Newton then moved to amend the bill in section 12, in lines 371 to 383, inclusive, by striking out the paragraph in those lines and inserting in place thereof the following paragraph:

" 'Slot machine', Only mechanical machines will be lawful; Electronic machines are prohibited.".

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 13 members voted in the affirmative and 144 in the negative. Amendment rejected,— yea and nay No. 335.

[See Yea and Nay No. 335 in Supplement.]

Therefore the amendment was rejected.

Subsequently a statement of Ms. Allen of Boston was spread upon the records, as follows:

Statement of Ms. Allen of Boston.

MR. SPEAKER: I would like to call to the attention of the House the fact that on the previous roll call it was my intention to vote in the negative. However, I now find that, for some inexplicable reason, I was recorded in the affirmative.

Ms. Provost of Somerville then moved to amend the bill in section 12, in line 560, by striking out the word "may" and inserting in place thereof the word "shall", and in line 565, by striking out the word "or" and inserting in place thereof the word "and".

Amendments rejected,—yea and nay No. 336.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 45 members voted in the affirmative and 112 in the negative.

[See Yea and Nay No. 336 in Supplement.]

Therefore the amendments were rejected.

Ms. Provost then moved to amend the bill in section 12, in lines 575, 576 and 577, by striking out the following "that, in the discretion of the commission, bears a close relationship to the duties and responsibilities of the position for which employment is sought".

Amendment rejected,—yea and nay No. 337.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 5 members voted in the affirmative and 152 in the negative.

[See Yea and Nay No. 337 in Supplement.]

Therefore the amendment was rejected.

Ms. Provost of Somerville then moved to amend the bill in section 12, in line 598, by striking out the following "during the period commencing 3 years prior to employment,", in line 608, by striking out the following "for a period of 3 years", in lines 612 and 613, by striking out the following "for a period of 2 years" and in lines 616 and 617, by striking out the following "for a period of 1 year".

Amendments rejected,—yea and nay No. 338.

After remarks on the question on adoption of the amendments, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 9 members voted in the affirmative and 146 in the negative.

[See Yea and Nay No. 338 in Supplement.]

Therefore the amendments were rejected.

Ms. Polito of Shrewsbury then moved to amend the bill in section 12, in line 102, by striking out the words "THE MASSACHUSETTS GAMING COMMISSION" and inserting in place thereof the following "THE MASSACHUSETTS GAMING LAW", in line 202, by inserting after the word "commission" the following "or the Lottery Commission as its successor in interest upon dissolution of the commission as provided in section 6 of this chapter.", in line 340, by inserting after the figures "10" the following definition:

" 'Lottery commission', the Massachusetts state lottery commission established pursuant to section 23 of chapter 10.", in line 444, by inserting after the word "years" the words "or until such time as the commission is dissolved and its responsibilities are transferred to the Lottery commission, whichever is sooner", in line 830 to 834, inclusive, by striking out subsection 6 and inserting in place thereof the following subsection:

"Section 6. One hundred and eighty days after the commission awards the first gaming license issued under this chapter, the commission shall be dissolved and cease to exist, and all of its powers and responsibilities shall be transferred over to the Lottery commission, which thereafter shall have and exercise all lawful authority which is otherwise invested in the commission by way of this chapter and which is not inconsistent with chapter 10.", in line 926, by inserting after the word "technologies" the following paragraph:

"This section shall not apply to the operations of the Lottery commission on and after the time the Lottery commission assumes the power and responsibilities of the commission under section 6 of this chapter".

Amendments rejected,—yea and nay No. 339.

After remarks on the question on adoption of the amendments, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 17 members voted in the affirmative and 139 in the negative.

[See Yea and Nay No. 339 in Supplement.]

Therefore the amendments were rejected.

Messrs. Murphy of Burlington and Dempsey of Haverhill and other members of the House then moved to amend the bill in section 5, in line 57, by inserting after the word "commission" the following sentence: "The code shall include provisions reasonably necessary to carry out the purposes of section 11M including, but not limited to: (i) prohibiting the receipt of gifts by a division employee from any gaming licensee, applicant, close associate, affiliate or other person or entity subject to the jurisdiction of the commission established by chapter 23K; and (ii) prohibiting the participation by a division employee in any particular matter as defined by section 1 of chapter 268A that affects the financial interest of any relative within the third degree of consanguinity or person with whom such employee has a significant relationship as defined by such code."; and in section 12, in line 559, by inserting after the word "eligible" the following sentence "The executive director shall consider current employees of the state racing commission as eligible for employment with the commission and shall transfer said employees into the commission if qualified under this chapter.", in lines 590, 591 and 592, by striking out the sentence contained therein and inserting in place thereof the following sentence "The code shall include provisions reasonably necessary to carry out the purposes of this chapter and any other laws subject to the jurisdiction of the commission including, but not limited to: (i) prohibiting the receipt of gifts by a commissioner and employee from any gaming licensee, applicant, close associate, affiliate or other person or entity subject to the jurisdiction of the commission; (ii) prohibiting the participation by a commissioner and employee in any particular matter as defined by section 1 of chapter 268A that affects the financial interest of any relative within the third degree of consanguinity or person with whom such commissioner or employee has a significant relationship as defined by such code; and (iii) for recusal of a commissioner in any licensing decision due to a potential conflict of interest.", in line 822, by inserting after the word "professions" the following two paragraphs:

"(12) require the posting of payback statistics of slot machines played in a gaming facility; and

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(13) require that all gaming establishments have security patrols outside the gaming establishments who conduct regular checks of parking areas for minors left in motor vehicles and shall immediately report any such finding to security personnel at the gaming establishment.", in line 2039, by inserting after the word "casino" the words "including any associated hotel and individual rooms and mini-bars at such hotels", in line 2313, by striking out the word "establishment" and inserting in place thereof the word "facility", in said line 2313, by inserting after the word "chapter" the words "; provided, however, that the state police shall execute a memorandum of understanding with the law enforcement agency of the host community that shall include, but not be limited to, procedures involving: (i) first responder calls from the gaming establishment; (ii) emergencies occurring within the gaming establishment, including the gaming facility; and (iii) criminal investigations involving employees or patrons of the gaming establishment; provided further that the bureau of investigations and enforcement shall have the authority to restrict areas in the gaming establishment with direct access to the gaming facility", in lines 2695 to 2704, inclusive, by striking out the paragraph contained therein, in line 3137, by striking out the figures "12" and inserting in place thereof the figures "14", in line 3143, by inserting after the word "representatives" the following "; 1 of whom shall be appointed by the minority leader of the senate; 1 of whom shall be appointed by the minority leader of the house of representatives", and in line 3151, by inserting after the word "commission" the following two sentences "The council shall establish a tourism subcommittee whose purpose is to develop policies that facilitate the integration of gaming establishments into local tourism regions. The subcommittee shall submit any proposed recommendations to the commission within 4 months of the deadline for receipt of applications for a gaming license pursuant to section 10.".

The amendments were adopted.

Mr. Keenan of Salem then moved to amend the bill in section 52, in line 3625, by striking out the word "more" (the first time it appears) and inserting in place thereof the word "less"; and the amendment was adopted.

Mr. O'Flaherty of Chelsea then moved to amend the bill in section 34, in line 3453, by inserting after the word "filed" the following paragraph:

"(e) The timely filing of complete and accurate reports required under subsection (a) with the appropriate federal agency is compliance with the requirements of subsection (a).".

The amendment was adopted.

Mr. Dempsey of Haverhill then moved to amend the bill by striking out section 2; and the amendment was adopted.

Ms. Coakley-Rivera of Springfield then moved to amend the bill in section 12, in line 1514, by striking out the word "and" and inserting in place thereof the word "or"; and the amendment was adopted.

Mr. Sullivan of Fall River then moved to amend the bill by inserting after section 75 the following section:

"SECTION 75A. The small business economic rebate/coupon program will help to mediate impacts to small businesses existing

within a 2 mile radius of an established resort casino in the Commonwealth, regardless of city or town boundaries. The rebates or coupons will be used for those businesses that provide similar services and goods available at the resort casino complex and being impacted by its direct competition Revenues generated by the Host Resort Casino will fund this program at an amount that shall not be less than $ 3,000,000 per year to be increased on a 5 year basis provided that revenues increase. A formula shall be established for such increases by an objective oversight committee to be created by commission recommendations.

A commission shall be established that will include representation by the host communities, 3 from the Chamber of Commerce and other independent host community business organizations. There shall be an appointment of additional 2 members to the commission by the host community's appointing authority (Mayor or Selectmen).

The commission's task will be to promulgate rules and regulation to adequately and fairly govern the ECONOMIC REBATE/COUPON MEDIATION PROGRAM FOR SMALL BUSINESSES. The commission will come up with recommendation on how businesses that may be outside the borders of the host community but fall within the two mile radius of the resort casino can participate and benefit from such program if deemed eligible. Also, recommend a permanent entity to govern said program and the method for the selection of its members. Rebates and coupons will be distributed at convenient locations to be determined by the programs' board.".

The amendment was rejected.

Ms. Ferrante of Gloucester then moved to amend the bill by inserting after section 75 the following section:—

"SECTION 75A. Chapter 271 of the General Laws is hereby amended by inserting, after Section 5A, the following new section:—

Section 5B: Bona fide coin-operated amusement machines

(a) For the purposes of this chapter, the following definitions shall apply:

'Some skill' means any presence of the following factors, alone or in combination with one another:

(1) A learned power of doing a thing competently;

(2) A particular craft, art, ability, strategy, or tactic;

(3) A developed or acquired aptitude or ability;

(4) A coordinated set of actions, including, but not limited to, eye-hand coordination;

(5) Dexterity, fluency, or coordination in the execution of learned physical or mental tasks or both;

(6) Technical proficiency or expertise;

(7) Development or implementation of strategy or tactics in order to achieve a goal; or

(8) Knowledge of the means or methods of accomplishing a task.

The term 'some skill' refers to a particular craft, coordinated effort, art, ability, strategy, or tactic employed by the player to affect in some way the outcome of the game played on a bona fide coin operated amusement machines. If a player can take no action to affect the outcome of the game, the bona fide coin operated amusement machine does not meet the 'some skill' requirement of this section.

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'Bona fide coin-operated amusement machine' means every machine of any kind or character used by the public to provide amusement or entertainment whose operation requires the payment of or the insertion of a coin, bill, other money, token, ticket, or similar object, and the result of whose operation depends in whole or in part upon the skill of the player, whether or not it affords an award to a successful player, and which can be legally shipped interstate according to federal law. Examples of bona fide coin-operated amusement machines include, but are not limited to, the following:

1. Pinball machines.
2. Console machines, including 8-line slot machines.
3. Video games.
4. Crane machines.
5. Claw machines.
6. Pusher machines.
7. Bowling machines.
8. Novelty arcade games.
9. Foosball or table soccer machines.
10. Miniature racetrack or football machines.
11. Target or shooting gallery machines.
12. Basketball machines.
13. Shuffleboard games.
14. Kiddie ride games.
15. Skeeball machines.
16. Air hockey machines.
17. Roll down machines.
18. Coin-operated pool table or coin-operated billiard table.
19. Any other similar amusement machine which can be legally operated in Massachusetts.
20. Every machine of any kind or character used by the public to provide music whose operation requires the payment of or the insertion of a coin, bill, other money, token, ticket, or similar object, such as jukeboxes or other similar types of music machines.

'Play' is an individual bet that can, apart from any other bet made by a player, result in a winning outcome. More than one play may be made simultaneously on the same amusement machine.

(b) Nothing in this chapter shall apply to a coin operated game or device designed and manufactured for bona fide amusement purposes only which may, by application of some skill, entitle the player to earn replays of the game or device at no additional cost and to discharge the accumulated free replays only by reactivating the game or device for each accumulated free replay or by reactivating the game or device for a portion or all of the accumulated free plays in a single play. This section shall not apply, however, to any game or device classified by the United States government as requiring a federal gaming tax stamp under applicable provisions of the Internal Revenue Code.

(c) (1) Nothing in this chapter shall apply to a coin operated game or device designed and manufactured only for bona fide amusement purposes which involves some skill in its operation if it rewards the player exclusively with:

(A) Free replays;

(B) Merchandise limited to non-cash merchandise, prizes, toys, gift certificates, or novelties, each of which has a wholesale value of not more than $25.00 received for a single play of the game or device;

(C) Points, tokens, vouchers, tickets, or other evidence of winnings which may be exchanged for rewards set out in subparagraph (A) of this paragraph or subparagraph (B) of this paragraph or a combination of rewards set out in subparagraph (A) and subparagraph (B) of this paragraph; or

(D) Any combination of rewards set out in two or more of subparagraph (A), (B), or (C) of this paragraph.

This subsection shall not apply, however, to any game or device classified by the United States government as requiring a federal gaming stamp under applicable provisions of the Internal Revenue Code.

(2) A player of bona fide coin operated amusement games or devices described in paragraph (1) of this section may accumulate winnings for the successful play of such bona fide coin operated amusement games or devices through tokens, vouchers, points, or tickets. Points may be accrued on the machine or device. A player may carry over points on one play to subsequent plays. A player may redeem accumulated tokens, vouchers, or tickets for non-cash merchandise, prizes, toys, gift certificates, or novelties so long as the amount of tokens, vouchers, or tickets received does not exceed $25.00 for a single play.”.

The amendment was rejected.

Mr. Sullivan of Fall River then moved to amend the bill in section 12, in line 1111, by inserting after the word “codes” the following paragraph:

“Section 14A. There shall not be allowed in the Commonwealth any federally recognized Native American tribe operating any gaming facility as a sovereign nation.”.

After debate the amendment was rejected.

Ms. Richard of Framingham then moved to amend the bill in section 12, in line 940, by inserting after the word “strategies” the following four paragraphs:

“Section 9a. The executive office of health and human services shall conduct a comprehensive study of trends in all human service programs and shall examine all services provided by the commonwealth to evaluate which populations have the greatest need for services, to what degree those populations are served by the programs created as well as by other existing services, and shall develop strategies for serving all underserved segments of the population.

The study shall also include program density throughout the commonwealth and the fiscal impact of these programs on cities and towns.

In addition the executive of health and human services working with the department of public safety shall review program evaluations, certifications and program standards and make recommendations on needed program change.

The office and department shall issue a report to the general court of its study by filing same with the clerk of the House of Representatives on or before January 31, 2012.”.

The amendment was rejected.

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The same member then moved to amend the bill in section 12, in line 940, by inserting after the word "strategies" the following four paragraphs:

"Section 9a. The executive office of health and human services shall conduct a comprehensive study of trends in human service programs in the Metrowest Region which shall consist of Ashland, Framingham, Holliston, Hopkinton, Natick, Southborough, Sudbury, Wayland and Westborough, and shall examine all services provided by the commonwealth to evaluate which populations have the greatest need for services, to what degree those populations are served by the programs created as well as by other existing services, and shall develop strategies for serving all underserved segments of the population.

The study shall also include program density throughout the region and the fiscal impact of these programs on the cities and towns.

In addition the executive of health and human services working with the department of public safety shall review program evaluations, certifications and program standards and make recommendations on needed program change.

The office and department shall issue a report to the general court of its study by filing same with the clerk of the House of Representatives on or before January 31, 2012.".

The amendment was rejected.

Mr. D'Amico of Seekonk then moved to amend the bill by inserting after section 75 the following section:

"SECTION 75A. Notwithstanding any general or special law to the contrary, gaming establishments licensed to operate in the Commonwealth of Massachusetts must include in each solicitation, whether verbal, electronic, e-mail based, web based, advertising, video, audio, direct mail, or any other means, including both those directed to a specific individual or to a mass market, a description of the warning signs of problem gambling and information on where and how to seek help, hereafter referred to as the "problem gambling messages". The problem gambling messages must be prominently featured and may not be obscured by the speed of delivery, small type, placement, or any other means. It must be made no less conspicuous or less comprehensible than the solicitation message itself. The Gaming Commission shall, in consultation with recognized gambling addiction experts, and after a series of at least three public hearings held in different regions of the Commonwealth, develop and approve the standard problem gambling messages.".

After debate the amendment was rejected.

Messrs. Brownsberger of Belmont and Hecht of Watertown then moved to amend the bill in section 12, in line 1305, by inserting after the word "that" the following "as to an applicant whose suitability has not yet been determined pursuant to Section 18 or as to an applicant who has been found unsuitable" and in line 1329, by inserting after the word "family" the following sentence "As to an applicant who has been found suitable pursuant to Section 18, all application material and all information required by the commission shall be public records for the purposes of Section 10 of Chapter 66, excluding only the following information which shall be confidential:

information concerning (i) trade secrets; (ii) a minor child of the applicant; (iii) the social security number of an applicant or the spouse of an applicant; (iii) the home telephone number or address of an applicant or the spouse or children of an applicant; (iv) the birth certificate of the applicant or information relating to the date or place of birth of an applicant's spouse; (v) the driver's license number of an applicant or an applicant's spouse; (vi) the name or address of a previous spouse of the applicant.".

After remarks the amendment was rejected.

Mr. Sciortino of Medford and other members of the House then moved to amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

"SECTION 1. The Governor of the Commonwealth shall be authorized to convene an Interstate Commission on Regional Casino Market Saturation and Revenue Sharing. The Commission shall invite representatives from the states of Connecticut, Rhode Island, New Hampshire, Vermont, Maine, and New York.

SECTION 2. The Commission shall conduct a study including, but not limited to:

a) Market saturation of existing gambling activities in the region, as well as of proposals that might be considered in the next five years within the respective states, including those that might be developed by sovereign nations;

b) Existing data on the current prevalence of pathological gambling in the region, and its associated costs to the respective states;

c) Existing research on the correlation between proximity to slot machines and the prevalence of pathological gambling, with consideration given to how proposals for additional slot machines in the respective states might increase the prevalence of pathological gambling;

d) Other regional costs associated with the introduction of additional slot machines.

SECTION 3. The Commission shall come up with recommendations on how to implement an inter-state revenue sharing system from existing slot machine revenues. Such a revenue sharing system shall be contingent upon enactment of legislation within each respective state prohibiting additional slot machines being introduced. The Commission shall include in its report an assessment of the impact of an interstate agreement on the prevention of market saturation and the prevention of increased pathological gambling within the region.

SECTION 4. The Commission shall issue its findings by December 1, 2012.".

Amendment rejected,—yea and nay No. 340.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Sciortino; and on the roll call 8 members voted in the affirmative and 146 in the negative.

[See Yea and Nay No. 340 in Supplement.]

Therefore the amendment was rejected.

Ms. Polito of Shrewsbury then moved to amend the bill in section 12, in line 105, by inserting after the word "through" the words "a competitive bidding process for gaming licenses and", in lines 171 and 172, by striking out the words "thoroughbred horse racing facility or to a harness racing facility to operate up to 750" and

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inserting in place thereof the words "qualified bidder to operate", in lines 174, 175 and 176, by striking out the definition of "Category 3 license", in line 240, and also in lines 242 and 243, by striking out the following ", category 2 or category 3" and inserting in place thereof, in each instance, the following "or category 2", in line 357, by inserting after the word "commonwealth" the following definition:

" 'Qualified bidder,' an applicant for a category 1 or category 2 gaming license that satisfies the minimum criteria for application for a gaming license set forth in this chapter and as set forth by the commission.", in line 1473, by striking out the following "2 category 1 licenses" and inserting in place thereof the following "up to 2 category 1 licenses and/or up to 4 category 2 licenses", in lines 1474, 1477 and 1487, by striking out the following "category 1" and inserting in place thereof, in each instance, the word "gaming", in line 1482, by striking out the following "or category 3", by striking out lines 1497 to 1540, inclusive, in line 1551, by striking out the following "and category 3";

In lines 1650, 1660 and 1662 and 1663, by striking out, in each instance, the words "or category 3", by striking out lines 1666 to 1669, inclusive, in line 1678, by striking out the words "on the premises" and inserting in place thereof the following "which existed on the premises in calendar year 2009 and which was licensed under chapter 128A to conduct live racing in calendar year 2009", in line 1679, by inserting after the word "that" the words "in the case of a thoroughbred horse racing facility or a harness horse racing facility", in line 1702, by inserting after the word "commission" the following clause:

"(e) This section shall not apply to any category 2 licensee where a greyhound racing facility, a thoroughbred horse racing facility or a harness horse racing facility did not exist on the premises in calendar year 2009 and was not licensed under chapter 128A to conduct live racing in calendar year 2009;", in lines 1927, 1943 and 2010, by striking out the following "category 2 or category 3" and inserting in place thereof, in each instance, the following "or category 2", in line 2811, by striking out the following "or category 3", in lines 2815 and 2816, by striking out the following "and category 3 licensees shall pay a daily assessment of 10 per cent", in line 2817, by inserting after the figures "53" the following "; provided, that this paragraph shall not apply to any category 2 licensee where a greyhound racing facility, a thoroughbred horse racing facility or a harness horse racing facility did not exist on the premises in calendar year 2009 and was not licensed under chapter 128A to conduct live racing in calendar year 2009", by striking out lines 2818 to 2822, inclusive, in lines 2826 and 2827, by striking out the following "A category 1 licensee, a category 2 licensee and a category 3 licensee" and inserting in place thereof the words "Gaming licensees", in line 2970, by striking out the following "category 1, 2 or 3", and by striking out lines 3102 to 3124, inclusive.

Point of order.

Mr. Bradley of Hingham thereupon raised a point of order that the amendments offered by the lady from Shrewsbury were improperly before the House for the reason that said amendments had been disposed of previously in the same reading of the bill.

The Chair (Mr. Mariano of Quincy) ruled that the point of order was well taken; and the amendments were laid aside accordingly.

Ms. Polito thereupon appealed from the decision of the Chair; and the appeal was seconded by Mr. Humason of Westfield.

Appeal from decision of Chair.

The question was then put "Shall the decision of the Chair stand as the judgment of the House?".

After debate on the appeal from the decision of the Chair, the sense of the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 140 members voted in the affirmative and 16 in the negative.

Decision of Chair sustained,—yea and nay No. 341.

[See Yea and Nay No. 341 in Supplement.]

Therefore the decision of the Chair was sustained.

Mr. Rice of Gardner then moved to amend the bill in section 12, in line 176, by inserting after the word "facility" the following paragraph:

" 'Category 4 license', a license issued by the local licensing authority to a recognized 501(c) organization, or one duly organized in the Commonwealth for charitable purposes, to operate up to 4 slot machines per location.".

After remarks the amendment was rejected.

Ms. Callahan of Sutton then moved to amend the bill in section 12, in line 1676, by inserting after the word "license" the following paragraph:

"(e) Prior to the approval of a category 2 or category 3 license, all funds previously received from the State Racing Commission or any other state agency or division in any previous fiscal year must be remitted to the General Fund of the Commonwealth in addition to the licensing fee by the applicant.".

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 9 members voted in the affirmative and 145 in the negative.

Amendment rejected,—yea and nay No. 342.

[See Yea and Nay No. 342 in Supplement.]

Therefore the amendment was rejected.

Mr. Webster of Hanson then moved to amend the bill in section 12, in lines 170, 171 and 172, by striking out the words "to a thoroughbred horse racing facility or to a harness racing facility" and inserting in place thereof the words "that permits the licensee", by striking out lines 174, 175 an 176, in lines 240 and 241, and also in lines 242 and 243, by striking out the following ", category 2 or category 3 gaming license" and inserting in place thereof, in each instance, the following "or a category 2 gaming license", in lines 255 through 259, inclusive, by striking out the paragraph contained therein, in line 383, by inserting after the word "machine" the following paragraph:

" 'Slot parlor', a gaming establishment approved under a category 2 license that includes a number of slot machines not greater than the maximum number of slot machines approved by the commission under the qualifications of the category 2 license.", in lines 961 and 962, 1171 and 1172, 1179 and 1482, by striking out, in each instance, the words "or category 3", in lines 1497 through 1556, inclusive, by striking out the eight paragraphs contained therein and inserting in place thereof the following six paragraphs:

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"(d) The commission may issue four category 2 licenses. An applicant who is eligible for a category 2 license pursuant to this section may apply for a category 1 license; provided, however, that upon receipt of a category 1 license said applicant shall continue to pay the applicable tax required of category 2 licensees.

(e) A category 2 license issued pursuant to this chapter shall not be transferrable or assignable without the approval of the commission for a period of 5 years after issuance unless: (i) the licensee experiences financial hardship; (ii) a change in ownership; or (iii) fails to maintain suitability or other circumstances which the commission may consider, which impact licensees ability to successfully operate a gaming establishment.

(f) Notwithstanding the foregoing, and upon approval by the commission, a category 2 licensee may merge its license with one other category 2 licensee and locate the total number of slot machines allotted to each licensee at a single licensed category 2 gaming establishment. A category 2 licensee may not merge with more than 1 other category 2 licensee.

An applicant for a category 2 license shall apply for a merged license with an eligible applicant for a category 3 license in their initial application to the commission. The commission shall approve any merger agreement and shall require parties to the merger to be qualified for licensure pursuant to the criteria set forth in sections 13 and 19.

(g) A category 1 license issued pursuant to this chapter shall be for a period of 15 years from the date of first issuance; provided, however, that 5 years after issuance, and every 5 years thereafter, the commission shall perform a thorough review of the business strategy of the resort casino which shall include plans for expansion and marketing submitted by the licensee. The commission shall establish procedures for renewal and set the renewal fee based on the cost of fees associated with the evaluation of a licensee requesting a renewed category 1 license.

A category 2 license issued pursuant to this chapter shall be for a period of 5 years. The commission shall establish procedures for renewal and set the renewal fee based on the cost of fees associated with the evaluation of a licensee; provided, however, that the cost of renewal shall not be less than $100,000.", in lines 1650 to 1669, inclusive, by striking out the four paragraphs contained therein and inserting in place thereof the following four paragraphs:

"Section 22. (a) Applicants for a category 2 license shall invest not less than $75,000,000 into the gaming facility and racecourse, if applicable.

The investment required under this section shall be made within 2 years of receiving a gaming license; provided, however, that any infrastructure improvements necessary to increase visitor capacity and account for traffic mitigation, as determined by the commission, shall be completed before the category 2 licensee shall be authorized to operate any slot machine at the gaming facility.

(b) The required licensing fee for a category 2 license shall be not less than $15,000,000. The commission shall raise the license fee if an applicant for a category 2 license cannot demonstrate to the satis-

faction of the commission that the applicant will advance any of the objectives set forth in section 19.

(c) If the commission approves the merger of two category 2 licensee pursuant to section 20 and grants a merged license, the applicants shall pay $30,000,000 and shall agree to invest $150,000,000 into the gaming facility and racecourse.", in lines 1677 to 1702, inclusive, by striking out the seven paragraphs contained therein and inserting in place thereof the following seven paragraphs:

"Section 23. (a) If applicable, an applicant for a category 2 licensee shall maintain any racing facility on the premises that is active at the time the application for a category 2 license is filed; provided, however, that said licensee shall increase the number of live racing days to a minimum of 125 days according to the following schedule:

(i) in the first calendar year of operation a licensee shall hold 105 racing days;

(ii) in the second calendar year of operation a licensee shall hold 115 racing days; and

(iii) in the third calendar year of operation a licensee shall hold 125 racing days.

(b) Said category 2 licensee may increase the number of live racing days if said licensee is holding a minimum of 125 racing days within 3 years of receiving a category 2 license. If said category 2 licensee does not conduct live racing for the minimum number of days set forth in subsection (a), the commission shall suspend the category 2 license.

(c) After 3 years of operation, and in consultation with the parties to the purse agreement, the commission may adjust the amount of required racing days at a category 2 facility based on fields, demand and racing performance.

(d) A category 2 licensee shall have an annual purse agreement in effect by December thirty-first of each year for the following year's racing; provided, however, that if the parties to a purse agreement at a category 2 facility cannot in good faith negotiate an agreement by December thirty-first, the purse agreement shall be arbitrated by the commission.", in lines 1927, 2010 and 2263, by striking out the following ", category 2 or category 3" and inserting in place thereof the following: "or a category 2", in 1943, by striking out the following ", category 2, or category 3" and inserting in place thereof the following: "or a category 2", in line 2092, by inserting after the figures "138" the following nine paragraphs:

"Section 28A. (a) Notwithstanding any general or special law, rule or regulation to the contrary, an applicant for a category 2 license may request with their gaming license application, and the commission may grant, a slot parlor beverage license for the sale and distribution of alcoholic beverages to be drunk on the premises of a category 2 gaming establishment. No alcoholic beverages shall be sold or distributed on the premises of a category 2 gaming establishment without such a license. The authority to enforce, regulate and control the distribution of alcoholic beverages in the category 2 gaming facility shall be exclusively vested in the commission.

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(b) Except as otherwise provided in this section, or by regulations promulgated by the commission, the provisions of chapter 138 and the rules and regulations promulgated by the alcoholic beverages control commission shall apply to a category 2 gaming establishment and a slot parlor beverage license.

(c) Issuance fees for the slot parlor beverage license shall be included with the gaming application fee. If a category 2 licensee does not apply for a slot parlor beverage license at the time of application, said licensee shall be subject to an additional licensing fee determined by the commission.

(d) A licensee under this section shall not be permitted to distribute alcohol free of charge.

(e) A licensee under this section shall be permitted to sell alcohol daily after 8 antemeridian and before 2 antemeridian.

(f) The request submitted to the commission for a slot parlor beverage license by an applicant or licensee for a category 2 license shall detail all areas where alcoholic beverages will be served within the resort casino. In issuing said license, the commission shall describe the scope of the particular license and any restrictions and limitations.

(g) A category 2 licensee shall be responsible for any violations of their slot parlor beverages license in the gaming facility. The commission may revoke, suspend, refuse to renew or refuse to transfer any slot parlor beverage license for violations of any provision of chapter 138, regulations promulgated by the alcoholic beverages control commission and the regulations promulgated by the commission. If, at any time, a licensee elects temporary suspension of their category 2 license due to violations of this section, said licensee shall owe the commonwealth the average tax on gross gaming revenue based on an appropriate period of time as determined by the commission for the number of days operation was suspended.

(h) A slot parlor beverage license shall be nontransferable without prior approval from the commission. If the license granted under this act is cancelled, revoked or no longer in use, it shall be returned physically, with all the legal rights, privileges and restrictions pertaining thereto, to the commission and the commission may then grant the license to a new gaming licensee under the same conditions as specified in this section.

(i) A license granted under this section shall not decrease the number of such licenses authorized to be granted to the host community under the provisions of chapter 138.", in lines 2811 to 2822, inclusive, by striking out the three paragraphs contained therein and inserting in place thereof the following three paragraphs:

"(b) Category 2 licensees shall pay a daily tax of 40 per cent on gross gaming revenue.

(c) In addition to the tax imposed under subsection (b), category 2 licensees shall pay a daily assessment of 9 per cent of their gross gaming revenue to the Massachusetts race horse development fund established by section 53.

(d) If a merger is approved by the commission subject to section 20, the new category 2 licensee shall pay a daily assessment of 9 per cent of their gross gaming revenue to the Massachusetts race horse

development fund established by section 53.", in lines 2826 and 2827, by striking out the following ", category 2 licensee and a category 3" and inserting in place thereof the following: "and a category 2", in line 2970, by striking out the following ", 2 or 3" and inserting in place thereof the following "or a category 2", in line 2998, by striking out the following "and category 3", and in lines 3024 and 3025, by striking out the following "of the active and operating category 2 licensees conducting live racing" and inserting in place thereof the following "active and operating harness horse racing facility and thoroughbred horse racing facility, as defined by section 2 of chapter 23K".

Amendments rejected,— yea and nay No. 343.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays at the request of Mr. Webster; and on the roll call 13 members voted in the affirmative and 142 in the negative.

[See Yea and Nay No. 343 in Supplement.]

Therefore the amendments were rejected.

Mr. Quinn of Dartmouth and other members of the House then moved to amend the bill in section 12, in lines 1503, 1504 and 1505, by striking out the following "An applicant who is eligible for a category 2 license pursuant to this section may apply for a category 1 license" and inserting in place thereof the following "An applicant may apply for more than one category of license and upon receipt of any one category of license shall be ineligible to receive any other category of license", and in lines 1515, 1516 and 1517, by striking out the following "An applicant who is eligible for a category 3 license pursuant to this section may apply for a category 1 license" and inserting in place thereof the following "An applicant may apply for more than one category of license and upon receipt of any one category of license shall be ineligible to receive any other category of license". After debate the amendments were rejected.

Mr. Donato of Medford being in the Chair,—

Messrs. Murphy of Burlington and Dempsey of Haverhill and other members of the House then moved to amend the bill in section 12, in line 1099, by inserting after the word "development" (the second time it appears) the words ", and all host community impact and mitigation issues, in lines 1186 to 1194, inclusive, by striking out the sentence contained therein and inserting in place thereof the following three sentences "In a community which has not adopted the provisions of chapter 43D, the planning board shall designate a local permitting ombudsman, who shall be a planning board member or a member of the planning board's professional staff, to help coordinate and expedite local permitting of the category 1 facility. In a community where no professional planning staff exists, the local permitting ombudsman shall be a panel consisting of 1 representative from the planning board, 1 member from the zoning board of appeals, 1 member from the conservation commission, 1 member from the police department, 1 member from the fire department and 1 member from the department of public works to coordinate and expedite local permitting of the category 1 facility. In either case, the ombudsman shall not assume the permitting authority of the individual boards, commissions, or departments referred to herein.",

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in lines 1405 to 1472, inclusive, by striking out the text contained therein and inserting in place thereof the following paragraph:

"Section 19. In determining whether an applicant should receive a gaming license, the commission shall [A] require each application submitted to include proposals to advance the following objectives: (1) protecting the lottery from any adverse impacts due to expanded gaming, including, but not limited to, developing cross-marketing strategies with the lottery and increasing ticket sales to out-of-state residents; (2) promoting local businesses in host and surrounding communities, including developing cross-marketing strategies with local restaurants, hotels, retail outlets and performing arts organizations; (3) implementing a workforce development plan to utilize the existing labor force in the commonwealth, including the estimated number of construction jobs a proposed gaming establishment will generate, the development of workforce training programs that serve the unemployed, and methods for accessing employment at the gaming establishment; (4) building a gaming establishment of high caliber with a variety of quality amenities to be included as part of the gaming establishment and operated in partnership with any local hotels, dining, retail and entertainment facilities so that patrons experience the diversified regional tourism industry; (5) taking additional measures to address problem gambling, including, but not limited to, training of gaming employee to identify patrons exhibiting problems with gambling and prevention programs targeted toward vulnerable populations; (6) providing a market analysis detailing the benefits of the site location of the gaming establishment and the estimated recapture rate of gaming-related spending by residents travelling to out-of-state gaming establishments; (7) utilizing sustainable development principles, including, but not limited to: (i) being certified or capable of being certified as gold or higher pursuant to the U.S. Green Building Council Neighborhood Development Rating System, the green building rating system established by the Leadership in Environmental and Energy Design, gold or higher pursuant to the National Green Building Standard, a Three Globe rating or higher pursuant to the Green Globes rating system, or an alternative rating system approved by the executive office of energy and environmental affairs; (ii) meeting United States Environmental Protection Agency efficiency standards for the electrical equipment and appliances used by the resort casino; and (iii) procuring 10 per cent of its annual electricity consumption from renewable sources identified by the division of energy resources pursuant to section 11F of chapter 25A; (8) establishing, funding, and maintaining human resource hiring and training practices that promote the development of a skilled and diverse workforce and access to promotion opportunities through a workforce training program that: (i) establishes transparent career paths with measurable criteria within the gaming establishment that lead to increased responsibility and higher pay grades that are designed to allow employees to pursue career advancement and promotion; (ii) provides employee access to additional resources, such as tuition reimbursement or stipend policies, to enable employees to acquire the education or job training needed to advance career paths based on increased responsibility and pay

grades; and (iii) establishes an on-site child day care program; and (9) contracting with local business owners for the provision of services and goods to the gaming establishment, including developing plans designed to assist businesses in the commonwealth in identifying the needs for goods and services to the establishment [B].", in lines 1521 through 1528, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:

"(f) A category 2 license and a category 3 license issued pursuant to this chapter shall not be transferrable or assignable without the approval of the commission; provided, however, that for 5 years after the initial issuance of a category 2 or category 3 license the commission shall only approve such a transfer if: (i) the licensee experiences a change in ownership; or (ii) the licensee fails to maintain suitability or other circumstances which the commission may consider, which, in the opinion of a majority of members of the commission, impact a licensees' ability to successfully operate a gaming establishment.", in line 1556, by inserting after the following "$100,000" the following paragraph:

"A category 1, category 2, or category 3 licensee shall issue an annual report to the commission explicitly stating its progress on meeting each of the stated goals and stipulations put forth in the licensee's original application. Inability to meet stated goals within a reasonable time frame, as determined by the commission, shall result in additional fees as deemed fair and reasonable by the commission. Failure to meet stated goals may also result in revocation of the license at any time by the commission.", and in lines 1632 through 1642, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:

"(c) A category 1 licensee shall pay to the commission a fee of $100,000,000 within 30 days of the final award of the license which sets forth the conditions to be satisfied by the licensee before the gaming facility may be opened to the public. The commission shall set any renewal fee for such license based on the cost of fees associated with the evaluation of a category 1 licensee pursuant to section 20 of this chapter, and such renewal fee will be exclusive of any subsequent license fees under this section.".

Pending the question on adoption of the amendments, Mr. Dempsey moved that they be amended [at "A"] by striking out the words "require each application submitted to include proposals" and inserting in place thereof the words "evaluate and issue a statement of findings of how each applicant proposes"; and [at "B"] by inserting after the word "establishment" the following "; (10) purchasing, whenever possible, domestically manufactured slot machines for installation in the gaming establishment".

The further amendments were adopted.

The amendments, as amended, then also were adopted.

Mr. Sciortino of Medford and other members of the House then moved to amend the bill by inserting after section 32 the following four sections:

"SECTION 32A. Section 47B of chapter 175 of the General Laws is hereby amended by inserting after '(13) autism' the following:— (14) pathological gambling.

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SECTION 32B. Section 8A of chapter 176A of the General Laws, is hereby amended by inserting after '(13) autism' the following:— (14) pathological gambling.

SECTION 32C. Section 4A of chapter 176B of the General Laws, is hereby amended by inserting after '(13) autism' the following:— (14) pathological gambling.

SECTION 32D. Section 4M of chapter 176G of the General Laws, is hereby amended by inserting after '(13) autism' the following:— (14) pathological gambling.".

Amendment rejected,— yea and nay No. 344.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Sciortino; and on the roll call 63 members voted in the affirmative and 93 in the negative.

[See Yea and Nay No. 344 in Supplement.]

Therefore the amendment was rejected.

Ms. Dykema of Holliston then moved to amend the bill in section 12, in line 393, by inserting after the word "company" the following paragraph:—

" 'Surrounding community', any municipality which is both adjacent by land to a host community and any portion of the community is located within a four mile radius of a proposed gaming establishment.", and in line 1194, by inserting after the word "facility" the following two paragraphs:

"(d) No person shall be eligible to receive a category 1, 2 or 3 license without a certified and binding vote in favor of such license on a ballot question at an election in the surrounding communities as defined in Section 2 of this Chapter; provided further that the surrounding communities shall each be reimbursed for their expenses related to the election by the applicant for a category 1, 2 or 3 license.

An applicant for a category 1, 2 or 3 license shall have certification of ballot approval by the surrounding communities within 3 months of submitting an application for a category 1, 2 or 3 license to the commission; provided, however, that the applicant shall include with the application a certified letter from the clerk of the surrounding community of a date certain for the election within the 3 month period.".

After remarks the amendments were rejected.

Recess.

Recess.

At four minutes before nine o'clock P.M. (Tuesday, April 13), on motion of Mr. Pedone of Worcester (Mr. Donato of Medford being in the Chair), the House recessed until the following day at half past one o'clock P.M.; and at that time the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Wednesday, April 14, 2010 (at 1:30 o'clock P.M.).

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

Statement Concerning Representative Spiliotis of Peabody.

A statement of Ms. Haddad of Somerset concerning Ms. Spiliotis of Peabody was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Spiliotis of Peabody, is unable to be present in the House Chamber for today's sitting due to a long-standing family commitment. Her missing of the roll call today is due entirely to the reason stated. Statement concerning Ms. Spiliotis of Peabody.

Resolutions.

Resolutions (filed with the Clerk by Mr. Turner of Dennis) congratulating Chief Roy E. Jones III on his retirement from the Brewster fire department were referred, under Rule 85, to the committee on Rules: Chief Roy E. Jones III.

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

Communication.

A communication from the Norfolk County Registry of Deeds (pursuant to Section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure for technological improvements from the County Registers Technological Fund (copies of said plan were forwarded to the committee on Ways and Means and the committee on Post Audit and Oversight, in accordance with such law), was placed on file. Norfolk County Registry of Deeds.

Emergency Measure.

The engrossed Bill establishing a sick leave bank for Judith R. Abraham, an employee of the Department of Developmental Services (see House, No. 4574, 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. Judith R. Abraham,—sick leave.

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 49 to 0. Sent to the Senate for concurrence.

Engrossed Bill and Resolve.

The engrossed Bill authorizing the appointment of retired police officers as special police officers in the town of Norwood (see House, No. 1917) (which originated in the House), having been certified by Bill enacted.

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.

Resolve passed.

The engrossed Resolve providing for an investigation and study by a special commission relative to autism (see House, No. 4382, amended) (which originated in the House), having been certified by the Clerk to rightly and truly prepared for final passage, was passed; and it was signed by the acting Speaker and sent to the Senate.

Engrossed Bill — Land Taking.

Fitchburg,— land.

The engrossed Bill relative to an extension of a lease by the city known as the town of Watertown for the Watertown Boys and Girls Club (see House, No. 4504) (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. 345.

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

[See Yea and Nay No. 345 in Supplement.]

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

Report of a Committee.

General Appropriation, debt restructuring and municipal relief bills,— procedures.

Mr. Binienda of Worcester, for the committee on Rules, reported (under the provisions of House Rules 7B and 7C) an Order relative to special procedures for consideration of the General Appropriation Bill for the fiscal year 2011 (House, No. 4600); An Act relative to debt restructuring (House, No. 4617); and An Act relative to municipal relief (House, No. 4618) (for order, see House, No. 4599).

After remarks on the question on adoption of the order, Mr. Jones of North Reading and other members of the House moved to amend it in line 35 by inserting after the word "further" the following paragraph:

"*Ordered*, That, notwithstanding the provisions of House Rule 73 or any rule to the contrary, amendments to An Act Relative to Municipal Relief, that are within the scope of the report issued in May 2009 by The General Court Special Commission on Municipal Relief shall be in order; and be it further".

After remarks the amendment was adopted.

Mr. Jones and other members of the House then moved to amend the order in line 48 by striking out the date "Friday, April 16, 2010" and inserting in place thereof the date "Tuesday, April 20, 2010".

Amendment rejected,— yea and nay No. 346.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Peterson of Grafton; and on the roll call 24 members voted in the affirmative and 131 in the negative.

[See Yea and Nay No. 346 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order in line 42 by inserting after the word "further" the following paragraph:

"*Ordered*, That, a consolidated amendment to the General Appropriation Bill for Fiscal Year 2011, offered by the committee on Ways and Means, shall contain a fiscal note indicating its total expenditures; and be it further".

Amendment adopted,—yea and nay No. 347.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Peterson of Grafton; and on the roll call 156 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 347 in Supplement.]

Therefore the amendment was adopted.

Mr. Stanley of Waltham then moved to amend the order in line 37 by inserting after the word "further" the following paragraph:

"*Ordered*, That, notwithstanding any provision of the Order or the rules of the House to the contrary, no consolidated amendment to the General Appropriation Act offered by the committee on Ways and Means shall be considered by the House until the expiration of at least 3 hours after the consolidated amendment shall have been first filed with the Clerk and made available to the members".

After remarks the amendment was rejected.

The same member then moved to amend the order by adding the following paragraph:

"*Ordered*, That, the Committee on Ways and Means shall provide detailed spending information authorized in and by line item 9600-000, and any and all subsidiary account and object codes relating thereto".

After debate the amendment was rejected.

Mr. Stanley of Waltham then moved to amend the order by adding the following paragraph:

"*Ordered*, That, any amendment offered to the General Appropriation Bill that would increase an appropriation will be accompanied by an amendment that would decrease another item or items in the bill by an equal amount".

After remarks the amendment was rejected.

Order adopted,—yea and nay No. 348.

On the question on adoption of the order, the sense of the House was taken by yeas and nays at the request of Mr. Binienda of Worcester; and on the roll call 138 members voted in the affirmative and 18 in the negative.

[See Yea and Nay No. 348 in Supplement.]

Therefore the order (House, No. 4599, amended) was adopted.

Reports of Committees.

Municipal relief.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to municipal relief (House, No. 4526) ought to pass with an amendment by substitution of a bill with the same title (House, No. 4618). 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 the provisions of the order adopted by the House (see House, No. 4599), the bill was placed in the Orders of the Day for Monday, April 26, for a second reading, with the amendment pending.

General Appropriation Bill.

Mr. Murphy of Burlington, for the committee on Ways and Means, on House, No. 2, reported, in part, a Bill making appropriations for the fiscal year 2011 for the maintenance of departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4600) [Total appropriation: $27,802,282,067.00].

Debt restructuring.

The same member, for the same committee on House, No. 4444, reported, in part, a Bill relative to debt restructuring (House, No. 4617).

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

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

Under the provisions of the order adopted by the House (see House, No. 4599), the bills were placed in the Orders of the Day for Monday, April 26, for a second reading.

Business of the Previous Session.

Expanded gaming.

The House Bill establishing expanded gaming in the Commonwealth (House, No. 4591, amended) was considered.

Pending the question on passing the bill, as amended, to be engrossed, Mr. Sannicandro of Ashland moved to amend it by inserting after section 75 the following section:

"SECTION 75A. a) There shall be established and set up on the books of the commonwealth a separate fund to be known as the Jail Diversion Casino Communities Fund. This fund shall consist of monies transferred under section 52 and all other monies credited or transferred to the fund from any other fund or source pursuant to law; provided, however, that the balance of the fund shall not be less than $900,000.

b) The Department of Mental Health shall administer the fund and, without further appropriation, shall expend monies in the fund to assist contiguous communities in administering pre-arrest jail diversion programs.".

The amendment was rejected.

The same member then moved to amend the bill in section 12, in line 3137, by striking out the figures "12" and inserting in place thereof the figures "14", in lines 3073 to 3086, inclusive, by striking out the two paragraphs contained therein and inserting in place thereof the following two paragraphs:

"(b) The commission shall administer the fund and, without further appropriation, shall annually expend monies in the fund to assist host communities, contiguous communities and communities abutting contiguous communities in offsetting costs related to the construction and ongoing operation and impacts of a gaming facility including, but not limited to, water and sewer districts in the vicinity of a gaming facility, transportation impacts, environmental impacts, municipal services and public safety, including the office of the

county district attorney and local police, fire and medical emergency departments.

(c) Parties requesting appropriations from the community fund shall submit a written request for funding to the commission before February 1 of each year. The commission shall hold a public hearing in the region of a gaming facility by March 31 of each year to provide parties with the opportunity to provide further information about their request for funds and shall distribute funds to requesting parties based on demonstrated need. The commission shall consult with the regional planning agency representing the host community in which a resort casino is located in matters related to land use impacts on the communities surrounding a gaming facility.", in line 3143, by striking out the figure "6" and inserting in place thereof the figure "8", in line 3148, by inserting after the word "establishment" the following ", 2 of whom shall be representatives of the regional planning agency representing the host community in which each resort casino is located.".

The amendments were rejected.

Mr. Sannicandro then moved to amend the bill by inserting after section 75 the following section:

"SECTION 75A. a) There shall be established and set up on the books of the commonwealth a separate fund to be known as the Sexual Assault Nurse Examiner Casino Communities Fund. This fund shall consist of monies transferred under section 52 and all other monies credited or transferred to the fund from any other fund or source pursuant to law; provided, however, that the balance of the fund shall not be less than $2,100,000.

b) The Department of Public Health shall administer the fund and, without further appropriation, shall expend monies in the fund to assist contiguous communities in administering comprehensive services of the sexual assault nurse examiner programs including adult, adolescent, pediatric nurse examiner services, rape crisis center services, and children's advocacy center services.".

The amendment was rejected.

Quorum.

After an extended period of time, Mr. Peterson of Grafton asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,—yea and nay No. 349.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 155 members were recorded as being in attendance.

[See Yea and Nay No. 349 in Supplement.]

Therefore a quorum was present.

Mr. Turner of Dennis then moved to amend the bill in section 12, in line 3101, by inserting after the word "act" the following paragraph:

"Notwithstanding any law or regulation to the contrary, beginning the first year that Gaming Local Aid funding is available for distribution to cities and towns, no city or town shall receive as a combination of 'General Revenue Sharing Aid' and 'Gaming Local Aid', in any year, an amount that is less than 25 percent of the total lottery sales made within that community.".

Expanded gaming.

Pending the question on adoption of the amendment, Mr. Murphy of Burlington moved to amend it by striking out the proposed new paragraph and inserting in place thereof the following paragraph:

"Notwithstanding any law or regulation to the contrary, beginning the first year that Gaming Local Aid funding is available for distribution to cities and towns, no city or town shall receive as a combination of 'General Revenue Sharing Aid' and 'Gaming Local Aid', in any year, an amount that is less than 25 percent of the total lottery sales made within that community. Notwithstanding any special or general law to the contrary, the provisions of this paragraph shall not take effect until such time as the executive office of administration and finance and the department of revenue has furnished a study of its impact on the state's economy and revenue cost to the commonwealth and its cities and towns, including, but not limited to, a distributional analysis showing the impact on taxpayers of varying income levels, the current practice of other states, any anticipated change in employment and ancillary economic activity to the joint committee on revenue and until legislation has been filed and passed pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution.".

Quorum.

After remarks on the question on adoption of the amendment, Mr. Turner of Dennis asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,— yea and nay No. 350.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 150 members were recorded as being in attendance.

[See Yea and Nay No. 350 in Supplement.]

Therefore a quorum was present.

Further amendment adopted,— yea and nay No. 351.

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays at the request of Mr. Turner; and on the roll call 127 members voted in the affirmative and 29 in the negative.

[See Yea and Nay No. 351 in Supplement.]

Therefore the further amendment was adopted, thus precluding a vote on the pending amendment.

Messrs. Murphy of Burlington and Dempsey of Haverhill and other members of the House then moved to amend the bill in section 12, in lines 3001 to 3020, inclusive, by striking out the clause contained therein and inserting in place thereof the following clause:—

"(2) Upon the opening of a category 1 facility, all monies received into the fund shall be transferred as follows:—

(a) One half of one percent shall be transferred to the Performing Arts Center Fund established by Section 63;

(b) One half of one percent shall be transferred to the Massachusetts cultural council for organizational support programs;

(c) One per cent shall be transferred to the Massachusetts tourism fund established pursuant to section 35J of chapter 10, three quarter of one percent of which shall fund the tourist promotion agencies as defined in subsection (c) and one quarter of one percent of which shall fund cultural facilities as defined in subsection (e) of said chapter;

(d) Two per cent shall be transferred to the community mitigation fund established by section 54; provided, however, that said fund balance shall not exceed $15,000,000. Funds in excess of $15,000,000 shall be transferred to the local capital projects fund established by section 58;

(e) Six per cent shall be transferred to the local capital projects fund established by section 58;

(f) Thirty per cent shall be transferred to the Gaming Local Aid Fund established by section 55;

(g) Thirty per cent shall be transferred to the Commonwealth Stabilization Fund established by section 2H of chapter 29; and

(h) Thirty per cent shall be transferred to the Education Fund established by section 59.", in line 3135, by inserting after the word "casino" the following paragraph:

"Section 60A. (a) There shall be established and set up on the books of the Commonwealth a separate fund, to be known as the gaming revenue and public health trust fund, in this section called the public health fund. The public health fund shall consist of the monies transferred under sections 51 and sections 52 and all other monies credited or transferred to the public health fund from any other fund or source pursuant to law.", and in said section 12, in line 3164, by inserting after the word "means" the following paragraph:

"Section 63. There shall be established and set up on the books of the commonwealth a fund to be known as the Performing Arts Center Fund of which the commission is trustee. The Performing Arts Center Fund shall consist of monies transferred under section 52 and all monies credited or transferred to the fund from any other fund or source pursuant to law for the purpose of supporting non-profit or municipally owned performing arts centers. Amounts in the Performing Arts Center Fund will be disbursed to non-profit or municipally owned performing arts centers through an application process on a semi-annual basis, for the purpose of subsidizing fees paid to touring artists or shows. One hundred percent of all amounts in the Performing Arts Center Fund shall be dispersed each year. The Performing Arts Center Fund and grant application process shall be managed by a three-member panel appointed by the Governor, to include at least one person from central Massachusetts and to include representatives of the business community and the performing arts industry.".

Pending the question on adoption of the amendments, Mr. Dempsey of Haverhill moved to amend them by striking out the text of said amendment and inserting in place thereof the following:— in section 12, in lines 3001 to 3020, inclusive, by striking out the six paragraphs contained therein and inserting in place thereof the following eight paragraphs:

"(2) Upon the opening of a category 1 facility, all monies received into the fund shall be transferred as follows:

(a) One per cent of revenues shall be transferred to the Massachusetts cultural council of which one half of revenues received shall be dedicated to the organization support program of the Massachusetts cultural council and of which not less than one half of revenues shall be dedicated to support not-for-profit or municipally-owned perform-

Expanded gaming.

ing arts centers impacted as a result of the licensure of gaming facilities in the commonwealth of Massachusetts. Funds dedicated to such performing arts centers shall be for the purpose of subsidizing fees paid to touring shows or artists; provided, however that funding shall be appropriated through a competitive grant process to be developed and administered by the Massachusetts cultural council.

(b) one percent shall be transferred to the Massachusetts tourism fund established pursuant to section 35J of chapter 10 which shall fund tourist promotion agencies as defined in subsection (c).

(c) Two per cent shall be transferred to the community mitigation fund established by section 54; provided, however, that said fund balance shall not exceed $15,000,000. Funds in excess of $15,000,000 shall be transferred to the local capital projects fund established by section 58;

(d) Six per cent shall be transferred to the local capital projects fund established by section 58;

(e) Thirty per cent shall be transferred to the gaming local aid fund established by section 55;

(f) Thirty per cent shall be transferred to the commonwealth stabilization fund established by section 2H of chapter 29; provided, however, that in any fiscal year in which the amount appropriated in item 7061-0008 of the general appropriation act, paid from the General Fund, or the amount of unrestricted general government aid paid from the general fund, including lottery aid distribution to cities and towns as paid from the General Fund in accordance with clause (c) of the second paragraph of section 35 of chapter 10 of the General Laws and the amount of additional funds distributed to cities and towns as additional assistance paid from the General Fund, is less than that of the previous fiscal year, up to one-half of the funds otherwise directed to the Commonwealth Stabilization Fund pursuant to this section, up to an amount equal to the deficiency between said appropriations for the current and previous fiscal years, shall be transferred to the gaming local aid fund in addition to the thirty percent provided for in subsection (e);

(g) Thirty per cent shall be transferred to the Education Fund established by section 59.", in line 3124, by inserting after the word "law" the following sentence "Expenditures from said fund for the purposes of K-12 education shall be used to supplement, and not offset, any reduction in line item 7061-0008 of the general appropriations act.".

The further amendments were adopted, thus precluding a vote on the pending amendments.

The Speaker being in the Chair,—

Quorum.

After debate on the question on passing the bill, as amended, to be engrossed, Mr. Walsh of Lynn asked for a count of the House to ascertain if a quorum was present. The Speaker, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,— yea and nay No. 352.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 155 members were recorded as being in attendance.

[See Yea and Nay No. 352 in Supplement.]

Therefore a quorum was present.

After further 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 120 members voted in the affirmative and 37 in the negative.

Bill passed to be engrossed,—yea and nay No. 353.

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

Therefore the bill, as amended, was passed to be engrossed. Mr. Dempsey of Haverhill moved that this vote be reconsidered; and the motion to reconsider was considered forthwith; and it was negative. The bill (House, No. 4619, published as amended) then was sent to the Senate for concurrence.

Papers from the Senate.

Mr. Pedone of Worcester being in the Chair,—

The House Bill designating a certain road in the town of Salisbury as the Army Sergeant Jordan Michael Shay Memorial Drive (House, No. 4412) came from the Senate passed to be engrossed, in concurrence, with amendments striking out all after the enacting clause and inserting in place thereof the following:

Salisbury,—Sergeant Shay Memorial Drive.

"SECTION 1. The road from Beach road to the mouth of the Merrimac river, a part of which is known as State Beach road and a part of which is known as Reservation road, in the town of Salisbury, shall be designated and known as the Army Sergeant Jordan Michael Shay Memorial Drive, in memory of United States Army Sergeant Jordan Michael Shay, who was killed in the line of duty in Iraq. The department of conservation and recreation and the Massachusetts Department of Transportation shall erect and maintain suitable markers bearing that designation in compliance with their respective standards on that portion of the road under their respective control"; 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 forthwith to designate a certain road in the town of Salisbury, 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. Costello of Newburyport, 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.

A Bill authorizing the granting of easements of and the conveyance of certain land in the town of Andover (Senate, No. 2154) (on a petition) [Local Approval Received], passed to be engrossed by the Senate was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Andover,—land.

A petition of Stephen J. Buoniconti for legislation relative to the Medical Professional Mutual Insurance Company, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Financial Services.

Medical Professional Mutual Insurance.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2385) was referred, in concurrence, to the committee on Financial Services.

Reports of Committees.

Hingham,—shipyard land.

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 joint petition of Garrett J. Bradley and Robert L. Hedlund for legislation to authorize the Department of Conservation and Recreation to lease a certain parcel of land within the "shipyard" in the town of Hingham to the Massachusetts Bay Transportation Authority. Under suspension of the rules, on motion of Mr. Peterson of Grafton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

Sarah F. Bowler,—sick leave.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Sarah F. Bowler, an employee of the Department of Children and Families (House, No. 4611). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

Orders of the Day.

Third reading bills.

House bills

Exempting the city of Springfield from certain provisions of the General Laws (House, No. 4316); and

Relative to minimum age requirement for obtaining identification cards (House, No. 4512);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Second reading bills.

The Senate Bill establishing a sick leave bank for John Phelan, an employee of the Massachusetts Department of Transportation (Senate, No. 2350); and

House bills

Relative to savings bank life insurance (House, No. 889, changed);

Designating a certain bridge in the town of Newbury in honor of John B. Hayden (House, No. 3337); and

Authorizing the Massachusetts Bay Transportation Authority to enter into agreements to enable extension of commuter rail passenger services to Nashua, New Hampshire (House, No. 3360);

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

The Senate Bill establishing the Massachusetts State Pilotage Rate Board (Senate, No. 2174, amended) was read a second time. Second reading bill amended.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4603,— was adopted.

The bill (Senate, No. 2174, amended) then was ordered to a third reading.

Order.

On motion of Mr. DeLeo of Winthrop,—

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

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at eight minutes before eight o'clock P.M. (Wednesday, April 14), on motion of Mr. Peterson of Grafton (Mr. Pedone of Worcester being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.

Thursday, April 15, 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, at the beginning of today's legislative session we open our hearts and minds to You, Your guidance and ways. We need Your assistance as we face a variety of difficult decisions, challenges and the many human needs of constituents. We pray for wisdom, patience, reasonableness and good will in our united effort to address the best interests of the people and the Commonwealth. As we prepare to celebrate Patriots Day, we acknowledge and remember our debt to the men and women who had a great vision for this land and the people. May we keep alive in our culture their high ideals, dedication to personal and religious freedom, and respect for the individual person as we live our daily lives in our diverse communities.

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.

Guests of the House.

Hanover Middle School Band.

During the session, the Chair (Mr. Donato of Medford), declared a brief recess, and introduced the Hanover Middle School Band, under the direction of Ms. Julie Thornell. Accompanied by their parents, the band and Ms. Thornell, who were seated in the Chamber, were the guests of Representative Nyman of Hanover.

Atlantis Charter School.

During the session, the Chair (Mr. Donato of Medford), declared a brief recess, and introduced students and faculty from the Atlantis Charter School of Fall River, who were also seated in the House Chamber. They were the guests of Representative Rodrigues of Fall River.

Resolutions.

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

Delores Keefe.

Resolutions (filed by Mr. Brownsberger of Belmont) congratulating Delores Keefe on the occasion of her retirement as town clerk of Belmont;

Autism Alliance of Metrowest.

Resolutions (filed by Mr. Linksy of Natick and other members of the House) congratulating the Autism Alliance of Metrowest on the tenth anniversary of their Annual Kite Day; and

Resolutions (filed by Messrs. Naughton of Clinton and Evangelidis of Holden) recognizing the Sterling Municipal Light Department's one hundredth anniversary celebration; Sterling Municipal Light Department.

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.

Emergency Measure.

The engrossed Bill designating a certain road in the town of Salisbury as the Army Sergeant Jordan Michael Shay Memorial Drive (see House, No. 4412, 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. Salisbury,—Shay Memorial Drive.

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

Orders of the Day.

The Senate Bill establishing a sick leave bank for John Phelan, an employee of the Massachusetts Department of Transportation (Senate, No. 2350), 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. Third reading bill.

The House Bill designating a portion of Route 2 as the Dennis Rindone roadway (House, No. 1889) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence. Id.

The House Bill establishing a sick leave bank for Sarah F. Bowler, an employee of the Department of Children and Families (House, No. 4611), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time. Sarah F. Bowler,—sick leave bank.

Pending the question on passing the bill to be engrossed, Mr. Pedone of Worcester moved to amend it by adding 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. 4611, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

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

At a quarter after eleven o'clock A.M., on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Tuesday at eleven o'clock A.M., in an Informal Session.

Tuesday, April 20, 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.

Eternal God, we take a moment to focus our attention on You and on spiritual values as we begin today's legislative session. We pray for the wisdom to make the right decisions and choices on the items which come before us. May our common goals enable us to promote legislation and administrative actions which unite us as a society in defining and pursuing the common good. As we face many forms of violence around the world and in our own country, teach us to respect the dignity and importance of each individual in our community. Inspire us to encourage all people to use their human talents and intellectual gifts in a productive and reasonable manner. In Your goodness, help us to achieve the purpose in this life for which we have been created by You.

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.

Resolutions.

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

Indian Hill Music.

Resolutions (filed by Representatives Atkins of Concord, Hargraves of Groton, Arciero of Westford and Benson of Lunenburg) congratulating Indian Hill Music for twenty-five years of teaching and playing music for the citizens of the Nashoba and Merrimack Valleys;

Sidney L. Chase.

Resolutions (filed by Mr. Atsalis of Barnstable and other members of the House) congratulating Sidney L. Chase on the occasion of his retirement;

Jeffrey Pierro.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Jeffrey Pierro on earning the Eagle Scout Award;

Armenian Genocide.

Resolutions (filed by Mr. Fresolo of Worcester) on the occasion of the day of remembrance of the Armenian Genocide;

Shaul Kushinsky.

Resolutions (filed by Messrs. Kafka of Stoughton and Galvin of Canton) congratulating Shaul Kushinsky of Boy Scout Troop 54 on earning the Eagle Scout Award;

Christopher Mark Romines, II.

Resolutions (filed by Mr. Kafka of Stoughton) congratulating Christopher Mark Romines, II of Sharon Boy Scout Troop 95 on earning the Eagle Scout Award;

Timothy L. Moskol.

Resolutions (filed by Mr. Kane of Holyoke) congratulating Timothy L. Moskol on receiving the Eagle Award of the Boy Scouts of America; and

Sean Michael Mahoney.

Resolutions (filed by Mr. Turner of Dennis) congratulating Sean Michael Mahoney on the occasion of his elevation to the rank of Eagle Scout;

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. O'Flaherty of Chelsea, 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.

Bills

Scar-based injuries.

Authorizing the payment of worker's compensation for scar-based injuries (Senate, No. 681) (on a petition);

Ellen E. Englehardt.

Providing for the continued medical care and treatment of Ellen E. Englehardt, a state trooper injured in the line of duty (Senate, No. 1142) (on a petition);

Milton,—Antonio Pickens.

Authorizing the town of Milton to provide certain accidental disability retirement and medical benefits to Antonio Pickens (Senate, No. 2044) (on a petition) [Local Approval Received];

Workers' compensation.

Further regulating workers' compensation insurance (Senate, No. 2375, amended in section 1 by striking out the paragraph contained in lines 12 and 13) (on Senate bill No. 682);

Fort Point Channel.

Authorizing certain development in the Fort Point Channel in the city of Boston (Senate, No. 2376) (on Senate bill No. 2229);

Pension governance reform.

Relative to pension governance reform (Senate, No. 2377, amended in section 4, in line 18, by striking out the year "2010" and inserting in place thereof the year "2011"; by striking out section 5; in section 6, in line 54, by striking out the date "February 1" and inserting in place thereof the date "March 31"; in section 15, in line 562, by striking out the year "2010" and inserting in place thereof the year "2011"; in section 20 (as printed), in lines 616 to 619, inclusive, by striking out the sentence contained in those lines and inserting in place thereof the following sentence "If the first member is not elected within 30 days of the expiration of the previous term, or in the event of any earlier vacancy in this office, the public employee retirement administration commission shall appoint the first member.", in lines 660 to 673, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

"(h) There shall be an Essex regional retirement board advisory council which shall consist of all the full-time treasurers, elected or appointed, of each city, town, unit or district in the Essex regional retirement system. If a city, town, unit or district does not employ a full-time treasurer, the highest ranking, full-time executive employee shall be a member of the Essex regional retirement board advisory council. The members of the advisory council shall elect a chair from among the members. The council shall meet twice annually and at the call of the chair. The council shall supervise and certify

the procedures involved in the election of members to the retirement board, as provided in subsections (b) and (i). Upon approval by votes of the retirement board and the council, the actuary shall be furnished with an estimate of the expenses and costs of administration of the system for the ensuing year. The actuary shall annually, not later than December 15, specify by written notice to the council and the board the amounts required to be paid from the Pension Fund, the Annuity Reserve Fund, the Special Fund for Military Service Credit and the Expense Fund, as provided in subdivision (7) of section 22 of chapter 32. The regional retirement board advisory council, at a meeting specifically called for the purpose, shall elect 1 of its members, who shall be a member in service in the retirement system, as a member of the regional retirement board at the expiration of the current member's term, as provided in paragraph (2) of subsection (b)."; and in section 25, in line 803, by striking out the year "2010" and inserting in place thereof the year "2011") (on Senate bill No. 2088);

Relative to parental leave (Senate, No. 2381) (on Senate bill No. 44); and — Parental leave.

Relative to assault and battery on health care providers (Senate, No. 2383) (on Senate bill No. 1753); — Health care providers.

Severally passed to be engrossed by the Senate were read; and they were referred, under Rule 33, to the committee on Ways and Means.

Report of a Committee.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill relative to resident property tax exemptions (House, No. 4566), and recommending that the same be referred to the committee on Ways and Means. — Property tax exemptions.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration:

Of the Bill to improve municipal borrowing procedures (House, No. 1989); — Municipal loans.

Of the Bill relative to municipal stabilization funds (House, No. 1990); — Municipal funds.

Of the Bill promoting regionalism and efficient government (House, No. 1991); and — Regionalism.

Of the Bill to help towns finance school buildings (House, No. 4292). — School financing.

And recommending the same severally be recommitted to the committee on Municipalities and Regional Government.

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

Emergency Measure.

The engrossed Bill establishing a sick leave bank for John Phelan, an employee of the Massachusetts Department of Transportation (Senate, No. 2350), 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 — John Phelan.

by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 7 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed Bills

Bills enacted.

Designating a certain road in the town of Salisbury as the Army Sergeant Jordan Michael Shay memorial drive (see House, No. 4412, amended); and

Establishing a sick leave bank for Judith R. Abraham, an employee of the Department of Developmental Services (see House, No. 4574, amended) (Which severally originated in the House);

In respect to each of which the Senate had concurred in adoption of the emergency preamble, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Bill enacted.

The engrossed Bill designating a certain intersection in the town of Stoughton as the Police Chief William F. Gross and Ann M. Gross intersection (see House, No. 4370) (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.

Orders of the Day.

Third reading bill.

The Senate Bill providing a tax exemption for certain qualifying real estate in the town of Hamilton (Senate, No. 2085), 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.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

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

At ten minutes after eleven o'clock A.M., on motion of Mr. Hill of Ipswich (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.

Thursday, April 22, 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, in Whom we place our hope and trust, we look to You for guidance on this and every day as we address legislative and personal matters. Teach us to be grateful for our blessings, mindful of our responsibility and open to Your inspirations and directions. In these uneasy and difficult political and economic times, we pray for peace in our hearts and minds, strength in our wills and courage in our decision-making actions. As citizens of this nation and Commonwealth, may we continue to work together, as a society, to improve the material, human and spiritual quality of life for all and to respect the personal dignity of each individual. Inspire us to clarify and renew our intention to serve, in a faithful manner, You, our families and constituents who depend upon our reasoned decisions.

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.

Guests of the House.

Weymouth,—Boy Scout Troop 9.

During the session, Mr. Murphy of Weymouth briefly took the Chair, declared a brief recess, and introduced members of Boy Scout Troop 9 from Weymouth. They were the guests of the Chair and Mr. Mariano of Quincy.

Resolutions.

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

Red Auerbach Basketball School.

Resolutions (filed by Representatives Honan of Boston and Dykema of Holliston) celebrating the fiftieth anniversary of the Red Auerbach Basketball School;

Armenian Independent Broadcasting.

Resolutions (filed by Messrs. Koutoujian of Waltham, Hecht of Watertown and Miceli of Wilmington) honoring Armenian Independent Broadcasting of Boston for thirty years of Armenian radio;

Daniel Varoujan Hejinian.

Resolutions (filed by Messrs. Koutoujian of Waltham, Hecht of Watertown and Miceli of Wilmington) honoring Daniel Varoujan Hejinian for his lifelong efforts to promote peace through his works of art;

Elaine O'Brien.

Resolutions (filed by Mr. Pignatelli of Lenox) celebrating the service of Elaine O'Brien to the town of Sandisfield;

Matthew John Paul.

Resolutions (filed by Mr. Ross of Wrentham) congratulating Matthew John Paul of Norfolk upon his elevation to the rank of Eagle Scout;

Richard Michael Ruff.

Resolutions (filed by Mr. Ross of Wrentham) congratulating Richard Michael Ruff of Norfolk upon his elevation to the rank of Eagle Scout;

William S. Hogan, Jr.

Resolutions (filed by Mr. Scibak of South Hadley) honoring the Easthampton Savings Bank President and CEO William S. Hogan, Jr. as he celebrates his fortieth year of employment with the bank; and

Gerdès Fleurant and Florienne Saintil.

Resolutions (filed by Ms. Wolf of Cambridge) honoring Dr. Gerdès Fleurant and Ms. Florienne M. Saintil for their decades of tireless work on behalf of the Haitian community;

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. Smizik of Brookline, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petition.

Domestic violence.

Mr. Pedone of Worcester presented a petition (subject Joint Rule 12) of Vincent A. Pedone relative to increasing services for persons at risk of domestic violence; and the same was referred, under Rule 24 to the committee on Rules.

Papers from the Senate.

Economic development reorganization.

The Senate Bill promoting economic development throughout the Commonwealth (Senate, No. 2380) (on Senate, No. 2345) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Carver,— property taxes.

The Senate Bill relative to property taxes in the town of Carver (Senate, No. 2144) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Jackie Enno,— sick leave.

A petition (accompanied by bill) of Richard T. Moore for legislation to establish a sick leave bank for Jackie Enno, an employee of the Glavin Regional Center, came from the Senate referred, under suspension of Joint Rules 12, the committee on Public Service.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2389) was referred, in concurrence, to the committees on Public Service.

Reports of Committees.

Supplemental appropriations.

Mr. Murphy of Burlington, for the committee on Ways and Means, on Senate bill, No. 2370, reported, in part, a Bill making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4626) [Cost: $218,163,110.00]. Read; and 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 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, under suspension of the rules, on motion of Mr. Murphy of Burlington, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

Pending the question on passing the bill to be engrossed, the same member moved to amend it by inserting after section 2 the following section:

"SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations, and to meet certain requirements of law, the sums set forth in this section are hereby appropriated from the General Fund unless specifically designated otherwise in this section, for the several 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, 2010. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Office of the Secretary of Administration and Finance.

1599-1027	For a reserve for reimbursement to certain employees of the commonwealth for certain increases in health care cost-sharing expenditures	$6,821,690
1599-4281	For a reserve to meet the fiscal year 2010 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Commonwealth of Massachusetts and the National Association of Government Employees, and to meet the fiscal year 2010 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2010 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means.....	$25,810

Supplemental appropriations.

1599-4282 For a reserve to meet the fiscal year 2010 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Commonwealth of Massachusetts and the Service Employees International Union, Local 509, and to meet the fiscal year 2010 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2010 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means..... $1,912,542

1599-4283 For a reserve to meet the fiscal year 2010 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Commonwealth of Massachusetts and the American Association of Federal, State, County and Municipal Employees, Council 93, and to meet the fiscal year 2010 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2010 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means $21,137

1599-4284 For a reserve to meet the fiscal year 2010 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Commonwealth of Massachu-

setts and the Massachusetts Organization of State Engineers and Scientists, Unit 9, and to meet the fiscal year 2010 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2010 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means..... $12,788

1599-4285 For a reserve to meet the fiscal year 2010 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the State Lottery Commission and the Service Employees International Union, Local 888, and to meet the fiscal year 2010 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2010 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means $944

1599-4286 For a reserve to meet the fiscal year 2010 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Commonwealth of Massachusetts and the Berkshire Registries of Deeds-Service Employees International Union, Local 888; Essex North/South Registry of Deeds-American Association of Federal, State, County and Municipal Employees, Council 653; Hamp-

Supplemental appropriations.

den Registry of Deeds-Office of Professional Employees International Union, Local 6; Middlesex South Registry of Deeds-Office of Professional Employees International Union, Local 6; Suffolk Registry of Deeds- Service Employees International Union, Local 888; Worcester North Registry of Deeds- Service Employees International Union, Local 888 and to meet the fiscal year 2010 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2010 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means ..... $275".

The amendment was adopted.

Messrs. Jones of North Reading and Murphy of Burlington then moved to amend the bill in section 2A (inserted by amendment) by inserting after the first paragraph the following item:

"**SECRETARY OF THE COMMONWEALTH.**

Office of the Secretary of the Commonwealth.

0521-0010 For reimbursements to municipalities for costs associated with the statewide election to fill the United States Senate seat on January 19, 2010; provided, that the Secretary of State shall only reimburse the municipalities for costs that have previously been certified by the Division of Local Mandates within the Office of the State Auditor, and provided further that any unexpended funds from this item shall be made available in fiscal year 2011 ..... $6,340,941".

The amendment was adopted; and the bill (House, No. 4626, published as amended) was passed to be engrossed. Sent to the Senate for concurrence.

Chelmsford,—conservation land.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill authorizing the town of Chelmsford to convey certain conservation land and grant certain easements (Senate, No. 2287, amended) [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.

Millis,—retired police.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill authorizing the appointment of retired Millis police officers as special police officers in the town of Millis (House, No. 1882) [Local Approval Received], be scheduled for consideration by the House.

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

Edward Grace,—civil service.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill authorizing Edward Grace to take the civil service examination (House, No. 2551) [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.

Insurance,—study.

By Mr. Koutoujian of Waltham, for the committee on Financial Services, on Senate, Nos. 456, 464, 480, 482, 483, 493, 500, 507, 511 and 519 and House, No. 881, 893, 935, 936, 941, 988, 991, 997, 1011, 1023, 1038, 1042, 3447, 3450, 3557, 3558, 3560, 3897 and 4111, an Order relative to authorizing the committee on Financial Services to make an investigation and study of certain Senate and House documents concerning insurance and other related matters (House, No. 4621).

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 said 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.

Snowmobile safety.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on House, No. 804, a Bill establishing a snowmobile educational safety program (House, No. 4608).

Crime,—profits.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill relative to the profits from crime (House, No. 1495).

Correctional officers.

By the same member, for the same committee, on a petition, a Bill establishing the correctional officers' procedural bill of rights (House, No. 1571).

Victims.

By the same member, for the same committee, on a petition, a Bill relative to the victims of violent crime (House, No. 1587).

Registry of deeds.

By the same member, for the same committee, on House, No. 1527, a Bill to clarify recording requirements at registries of deeds (House, No. 4625).

Workforce training fund.

By Ms. Coakley-Rivera of Springfield, for the committee on Labor and Workforce Development, on a petition, a Bill relative to the workforce training fund (House, No. 1813).

Employment postings.

By the same member, for the same committee, on a petition, a Bill relative to state employment postings (House, No. 1854).

Employment discrimination.

By the same member, for the same committee, on House No. 1795, a Bill further defining employment discrimination (House, No. 4622).

Procurement.

By Mr. Walsh of Lynn, for the committee on State Administration and Regulatory Oversight, on House, Nos. 2975 and 2980, a Bill relative to procurement (House, No. 4609).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Cell phones,—service.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on Senate, No. 130 and House, No. 272, a Bill relative to cellular telephone service (House, No. 272).

Seekonk,—liquor licenses.

By the same member, for the same committee, on a petition, a Bill relative to converting four (4) seasonal licenses for the sale of all alcoholic beverages to be consumed on the premises to four (4) annual licenses for the sale of all alcoholic beverages to be drunk on the premises and three (3) seasonal wine and malt beverage licenses to be consumed on the premises to three (3) annual wine and malt beverage licensed to be drunk on the premises (House, No. 4518) [Local Approval Received].

Warehousing.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill clarifying warehousing (House, No. 1425).

Animals,—trusts.

By the same member, for the same committee, on a petition, a Bill relative to trusts for the care of animals (House, No. 1467).

Livery drivers.

By the same member, for the same committee, on a petition, a Bill relative to the regulation of livery drivers (House, No. 1506).

Manslaughter.

By the same member, for the same committee, on a petition, a Bill relative to manslaughter (House, No. 1614).

Interstate compact.

By the same member, for the same committee, on a petition, a Bill relative to the interstate compact warrant (House, No. 1629).

Private construction contracts.

By Ms. Coakley-Rivera, for the committee on Labor and Workforce Development, on a petition, a Bill to promote fairness in private construction contracts (House, No. 1804).

Parochial school teachers.

By the same member, for the same committee, on a petition, a Bill regarding protections extended to lay teachers in parochial schools (House, No. 1848).

Employment agencies.

By the same member, for the same committee, on House, Nos. 1797 and 1855, a Bill updating and streamlining the regulation of employment agencies (House, No. 4623).

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

Emergency Measure.

Stephanie Savini,—sick leave.

The engrossed Bill establishing a sick leave bank for Stephanie Savini, an employee of the Trial Court (see House, No. 4577), 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.

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. Bill enacted.

Engrossed Bills.

The engrossed Bill establishing a sick leave bank for John Phelan, an employee of the Massachusetts Department of Transportation (see Senate, No. 2350), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate. Bill enacted.

The engrossed Bill providing a tax exemption for certain qualifying real estate in the town of Hamilton (see Senate, No. 2085) (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. Id.

Orders of the Day.

House bills

Relative to the Brewster Board of Water Commissioners (House, No. 4279); Third reading bills.

Authorizing the town of Manchester-by-the-Sea to grant an easement on certain water protection land (House, No. 4304);

Providing for recall elections in the town of Boxford (House, No. 4381); and

Relative to certain nomination papers filed in the town of Millville (printed in House, No. 4583);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Recesses.

At fourteen minutes after twelve o'clock noon, on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at seven minutes after one o'clock the House was called to order with Mr. Murphy of Weymouth in the Chair. Recesses.

The House then took a further recess, on motion of Mr. Jones of North Reading, subject to the call of the Chair; and at four minutes before five o'clock P.M. the House was called to order with Mr. Donato in the Chair.

Paper from the Senate.

The House Bill making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4626) came from the Senate with the endorsement that it had been passed to be Supplemental appropriations.

Supplemental appropriations.

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 2390.

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

The same member then moved that the House concur with the Senate in its amendment with a further amendment striking by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4627.

The further amendment was adopted.

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

Emergency Measure.

Supplemental appropriations.

The engrossed Bill making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4626, 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 2 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 Senate to the Senate.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

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

At four minutes after six o'clock P.M., on motion of Mr. Jones of North Reading (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M.

Monday, April 26, 2010.

Met according to adjournment, at eleven o'clock A.M., with Mr. Petrolati of Ludlow 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.

Eternal God, Infinite Spirit of Truth and Goodness, we begin this morning's legislative session with a prayer for guidance as we take up important economic legislation, including House 4600. Teach us to recognize both our various responsibilities and our many opportunities for serving You, our constituents and our communities in a faithful and positive manner. In dealing with public policy matters and sensitive issues, free us from our prejudices, petty controversies and a lack of sympathetic spirit. Inspire us to offer You, the people and the Commonwealth our best reasoned judgments and the courage to follow our traditional principles and convictions. May we be open to the concerns and the suggestions of people who often find each day a challenge in achieving their personal and family goals.

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. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Silent Prayer.

Fall River,—Sergeant Robert Barrett.

During the session (Mr. Donato of Medford being in the Chair), at the request of Representatives Sullivan of Fall River, Aguiar of Fall River and Rodrigues of Westport, the members, guests and employees stood in a moment of silent tribute to Army Sergeant Robert Barrett of Fall River, who was killed by a suicide bomber in Afghanistan on Monday, April 19. Sergeant Barrett was the father of a 2 year old daughter, Sophie Alexandra. Sergeant Barrett was a 2007 graduate of B.M.C. Durfee High School, commanding officer as a senior of the school's Junior ROTC and head of its honor guard. He was serving since February in Afghanistan with the 1st Battalion, 101st Field Artillery Regiment of the National Guard. He would have turned 21 years of age on May 14.

Statement Concerning Representative Vallee of Franklin.

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

Statement concerning Mr. Vallee of Franklin.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Mr. Vallee of Franklin will not be present in the House Chamber for today's session and a portion of tomorrow's session due to his service on active military duty. His missing of roll calls today and tomorrow will be due entirely to the reason stated.

Resolutions.

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

Mark D. Juknavorian.

Resolutions (filed by Representatives Keenan of Salem and Campbell of Methuen) honoring Mark D. Juknavorian on the occasion of his retirement;

John R. Levinson.

Resolutions (filed by Representatives Peisch of Wellesley and Kafka of Stoughton) honoring John R. Levinson on receiving the Heart of Gold Award from the American Heart Association;

Irving A. Fradkin.

Resolutions (filed by Ms. Provost of Somerville) honoring Dr. Irving A. Fradkin, founder of "Dollars for Scholars" and its affiliate, the Somerville Mathematics Fund;

Randi Cherchiglia.

Resolutions (filed by Mr. Turner of Dennis) congratulating Randi Cherchiglia on the occasion of her retirement;

Friends of the Public Garden.

Resolutions (filed by Ms. Walz of Boston) congratulating the Friends of the Public Garden on its fortieth anniversary; and

Susan C. Ayers.

Resolutions (filed by Ms. Wolf of Cambridge) congratulating Susan C. Ayers on her many accomplishments at the Guidance Center, Inc.;

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. Flynn of Bridgewater, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petition.

Tewksbury,—land conveyance.

Mr. Finegold of Andover presented a petition (subject to Joint Rule 12) of Barry R. Finegold and others relative to authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land to the town of Tewksbury for recreational and open space purposes; and the same was referred, under Rule 24, to the committee on Rules.

Papers from the Senate.

Essex North Shore School.

A Bill relative to the Essex North Shore Agricultural and Technical School (Senate, No. 2392) (on Senate, No. 2335); and

Civic engagement,—study.

A Resolve reviving and continuing the special commission on civic engagement and learning (Senate, No. 2277) (on Senate, No. 258 and House, Nos. 351, 474, 529 and 3549);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

Francis H. George.

A Bill designating the East Brookfield district courthouse as the Francis H. George Courthouse (Senate, No. 1575) (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.

Erving,—trust fund.

A petition (accompanied by bill, Senate No. 2387) of Stanley C. Rosenburg (by vote of the town) for legislation to authorize the town of Erving to establish another employment benefits trust fund, was referred, in concurrence, to the committee on Municipalities and Regional Government.

Reports of Committees.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Dinamarie McCarthy, an employee of the Department of Children and Families (House, No. 4615). 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.

Dinamarie McCarthy,— sick leave.

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

Emergency Measure.

The engrossed Bill designating the library at the Corrigan Mental Health Center in the city of Fall River as the Ralph A. Roberts Library (see House, No. 4364), 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.

Fall River,— Ralph A. Roberts Library.

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 53 to 0. Sent to the Senate for concurrence.

Engrossed Bill — Land Taking.

The engrossed Bill relative to the conveyance of certain conservation land in the town of Sharon (see House, No. 4468) (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.

Sharon,— 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 154 members voted in the affirmative and 0 in the negative.

Bill enacted (land taking),— yea and nay No. 354.

[See Yea and Nay No. 354 in Supplement.]

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

Subsequently a statement of Mr. Rogers of Norwood was spread upon the records of the House:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber on the previous roll call due to official business in another part of the State House. Had I been present when the vote was taken, I would have voted in the affirmative.

Statement of Mr. Rogers of Norwood.

Engrossed Bills.

Engrossed bills

Designating a certain bridge in the town of Clinton as the Arthur J. Mayou Memorial Bridge (see House, No. 3280);

Bills enacted.

Designating Route 20 in the town of Northborough as the John Davis Highway (see House, No. 4030); and

Bills enacted.

Designating a certain bridge in the town of Mansfield as the S/Sgt. Edward J. Pazsit USAAF Memorial Bridge (see House, No. 4338, changed);

(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.

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

Debt restructuring.

The House Bill relative to debt restructuring (House, No. 4617) was discharged from its position in the Orders of the Day and read a second time forthwith, under suspension of Rule 47, on motion of Mr. Murphy of Burlington.

Pending the question on ordering the bill to a third reading, the same member moved to amend it in section 1, in line 12, by inserting after the word "board" the words "; the house and senate committees on bonding, capital expenditures and state assets". The amendment was adopted; and the bill, as amended, was ordered to a third reading.

Under suspension of the rules, on further motion of Mr. Murphy of Burlington, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. The bill (House, No. 4617, amended) then was sent to the Senate for concurrence.

Recesses.

Recesses.

At eleven minutes before twelve o'clock noon, on motion of Ms. Story of Amherst (Mr. Petrolati of Ludlow being in the Chair), the House recessed until half past twelve o'clock; and at fourteen minutes before one o'clock P.M.; the House was called to order with Mr. Petrolati in the Chair.

The House thereupon took a further recess, on motion of Mr. Donato of Medford, until the hour of two o'clock; and at twenty minutes after two o'clock the House was called to order with Mr. Petrolati in the Chair.

Quorum.

Quorum.

Ms. Story of Amherst thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum roll call,—yea and nay No. 355.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 153 members were recorded as being in attendance.

[See Yea and Nay No. 355 in Supplement.]

Therefore a quorum was present.

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

Municipal relief.

The House Bill relative to municipal relief (House, No. 4526) was discharged from its position in the Orders of the Day and read a second

time forthwith, under suspension of Rule 47, on motion of Mr. Murphy of Burlington.

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. 4618),— was adopted; and the substituted bill was ordered to a third reading.

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

After remarks on the question on passing the bill to be engrossed, Mr. Jones of North Reading and other members of the House moved to amend it by striking out sections 7, 8 and 9 and also section 12.

The amendment was adopted.

Mr. Brownsberger of Belmont then moved to amend the bill in section 11, in lines 348 to 351, inclusive, by striking out the sentence contained in those lines; and by adding the end of said section the following paragraph:

"(j) By a vote of the school committee and with the further approval of the municipal chief executive officer as provided in subsection (b) of this section, members of the state teachers' retirement system and teachers employed by the City of Boston who are members of the State-Boston retirement system shall be eligible for an early retirement incentive in accordance with the provisions of this section; provided, however, that no member shall benefit from both the incentive established by this section and the allowances provided for in subdivision 4 of Section 5 of Chapter 32 unless the school committee and the municipal chief executive officer explicitly permit this in their approval. In the event that a municipality offers the incentives of this section to members of the state teachers' retirement system or teachers employed by the City of Boston who are members of the State-Boston retirement system, the municipality shall reimburse the appropriate retirement system for all actuarially determined costs resulting from the members' choices made under this subsection, in equal installments over a ten year period starting in the next fiscal year as determined by the Public Employee Retirement Administration Commission. As to positions vacated by members electing to receive both the incentives of this section and the allowances provided for in subdivision 4 of Section 5 of said Chapter 32, the percentage applicable in subsection (e) of this section shall be zero in Fiscal 2011.".

Pending the question adoption of the amendment, Mr. Donato of Medford moved to amend it by adding at the end thereof the following paragraph:

"Notwithstanding any special or general law to the contrary, the provisions of this section shall not take effect until such time as the department of revenue has furnished a study of its impact on the state's economy and revenue cost to the commonwealth and its cities and towns, including, but not limited to, a distributional analysis showing the impact on taxpayers of varying income levels, the current practice of other states, any anticipated change in employment and ancillary economic activity to the house and senate committees on ways and means and the joint committee on public service and until legislation has been filed and passed pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution.".

Further amendment adopted,— yea and nay No. 356.

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays at the request of Mr. Brownsberger; and on the roll call 87 members voted in the affirmative and 69 in the negative.

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

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

Therefore the further amendment was adopted.

The amendments offered by Mr. Brownsberger, as amended, then also were adopted.

Mr. Wagner of Chicopee being in the Chair,— Mr. Driscoll of Braintree moved to amend the bill by adding the following section:

"SECTION 13.For the purposes of this section the following terms shall have the following meanings:

'Crime' an act committed in the commonwealth which would constitute a crime if committed by a competent adult including any act which may result in an adjudication of delinquency.

'Law enforcement authority' any police department in the commonwealth or any of its political subdivision.

The licenses of any hotel, motel, resort, boarding house or inn licensed by a city or town where law enforcement authorities are required to respond to on more than 3 times in a calendar year for calls involving the commission of a crime may be revoked by the city or town.".

After remarks the amendment was rejected.

Mr. Petrolati of Ludlow being in the Chair,— Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting after section 8 the following section:

"SECTION 8A. Chapter 64A of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting, after section 7A, the following section:—

Section 7B. The sale of fuel to a city or town which having consumed the same for any municipal purpose shall be exempt from the excise established by this chapter.".

Pending the question on adoption of the amendment, Mr. Donato of Medford moved to amend it by adding the following paragraph:

"Notwithstanding any special or general law to the contrary, the provisions of this section shall not take effect until such time as the department of revenue has furnished a study of its impact on the state's economy and revenue cost to the commonwealth and its cities and towns, including, but not limited to, a distributional analysis showing the impact on taxpayers of varying income levels, the current practice of other states, any anticipated change in employment and ancillary economic activity to the house and senate committees on ways and means and the joint committee on revenue and until legislation has been filed and passed pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution.".

Further amendment adopted,— yea and nay No. 357.

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays at the request of Mr. Murphy of Burlington; and on the roll call 124 members voted in the affirmative and 32 in the negative.

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

Therefore the further amendment was adopted.

The amendment, as amended, then also was adopted.

Mr. Donelan of Orange then moved to amend the bill by adding the following section:

"SECTION 13. There shall be a commission to examine efficient and effective strategies to implement school district collaboration and regionalization. The commission shall consist of 16 members: 1 of whom shall be the secretary of education, or his designee, who shall serve as chair; 1 of whom shall be the commissioner of the department of elementary and secondary education, or his designee; 1 of whom shall be the executive director of the Massachusetts school building authority, or her designee; 1 of whom shall be a member of the house of representatives appointed by the speaker of the house; 1 of whom shall be a member of the house appointed by the minority leader; 1 of whom shall be a member of the senate appointed by the senate president; 1 of whom shall be a member of the senate appointed by the minority leader; 9 of whom shall be appointed by the secretary of education, 1 of whom shall be selected from a list of 3 nominees offered by a representative of the Massachusetts Association of School Superintendents, 1 of whom shall be selected from a list of 3 nominees offered by a representative of the Massachusetts Association of School Committees, 1 of whom shall be selected from a list of 3 nominees offered by the Massachusetts Association of Regional Schools, 1 of whom shall be selected from a list of 4 nominees offered by the Massachusetts Teachers Association and the American Federation of Teachers of Massachusetts, 1 of whom shall be selected from a list of 3 nominees offered by Massachusetts Association of School Business Officials, 1 of whom shall be selected from a list of 3 nominees offered by the Massachusetts Business Alliance for Education, 1 of whom shall be selected from a list of 3 nominees offered by the Massachusetts Municipal Association, and 1 of whom shall be selected from a list of 3 nominees offered by the Massachusetts Organization of Educational Collaboratives.

The commission shall examine and make recommendations on model approaches regarding, but not limited to, the following areas: (1) identifying indicators for assessing the effectiveness of the central office, and the fiscal viability, efficiency, and long-term sustainability of school districts; (2) cooperative purchasing of materials and services; (3) inter-district academic and extracurricular programs; (4) merger of school district central office buildings, staff, and operational systems; (5) merger of collective bargaining agreements; (6) merger of debt obligations, including for school building projects; (7) the effect of school district regionalization on educational and instructional outcomes; (8) the effect of school district regionalization on school funding allocations; (9) school consolidation; (10) transitional costs associated with school district regionalization; (11) appropriate time frames for implementing school district regionalization; (12) incentives for school districts to increase collaboration and/or regionalize; (13) revisions of chapter 71 of the General Laws to facilitate the effective implementation of existing and future regional school district agreements; (14) school building capacity and facilities; (15) the feasibility of adopting a regional district finance structure in which the local contribution of the member cities or towns that such regional district serves is assessed on the basis of a uniformly measured fiscal capacity;

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and (16) in-district collaborations between schools, including consolidating buildings, programs, school and central office administration, special education and food service.

The commission shall conduct its first meeting not less than 45 days after the date of enactment of this act and shall issue a final report containing recommendations on or before January 31, 2011. Said commission shall report to the general court the results of its study and its recommendations, if any, together with drafts of legislation necessary to carry out such recommendations, by filing the same with the clerk of the senate who shall forward the same to the chairs of the joint committee on education and the chairs of the senate and house committees on ways and means on or before January 31, 2011.".

The amendment was adopted; and the bill (House, No. 4618, amended) was referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Mr. Binienda of Worcester, for said committees, then reported recommending that the bill ought to pass.

Under suspension of the rules, on motion of Mr. Donato of Medford, the bill was considered forthwith.

Pending the question on passing the bill, as amended, to be engrossed, Representatives Sullivan of Fall River and Richardson of Framingham moved to amend it by adding at the following seven sections:

"SECTION 14. Subsection (b) of section 1 of chapter 30B of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 6, the word 'section' and inserting in place thereof the following 'sections 11C or'.

SECTION 15. Said subsection (b) of said section 1 of said chapter 30B, as so appearing, is hereby amended in subdivision (4) by inserting after the word 'commonwealth' the following 'except as pertains to section 16(i);'.

SECTION 16. Said section 1 of said chapter 30B, as so appearing, is hereby amended by inserting at the end thereof the following subsection:—

(f) This chapter shall be deemed to have been complied with on all purchases made from a vendor pursuant to a General Services Administration Federal supply schedule that is available for use by governmental bodies.

SECTION 17. Section 2 of Chapter 30B of the General Laws, as so appearing, is hereby amended by inserting the following:—

'Electronic bidding', the electronic solicitation and receipt of offers to contract for supplies and services. Offers may be accepted and contracts may be entered by use of electronic bidding.

'Reverse auction,' an internet based process used to buy supplies and services whereby sellers of the supply or service being auctioned anonymously bid against each other until time expires and until the governmental body determines from which sellers it will buy based on the pricing obtained as a result of the reverse auction.

'Sound business practices', ensuring the receipt of favorable prices by periodically soliciting price lists or quotes.

'Cooperative purchasing' means procurement conducted by, or on behalf of, more than one public procurement unit, or by a public procurement unit with an external procurement activity.

'External procurement activity' means: (a) any public agency not located in this State which would qualify as a public procurement unit; (b) buying by the United States government.

'Local public procurement unit' means any political subdivision or unit thereof which expends public funds for the procurement of supplies.

'Public procurement unit' means either a local public procurement unit or a state public procurement unit.

'State public procurement unit' means the offices of the chief procurement officers and any other purchasing agency of this or any other State.

SECTION 18. Subsection (d) of section 4 of said chapter 30B, as so appearing, is hereby amended, by striking out the words 'generally accepted', in line 24, and inserting in place thereof the following 'sound'.

SECTION 19. Chapter 30B of the General Laws, as so appearing, is hereby amended by adding after Section 6 the following new section:—

Section 6A. (a) A chief procurement officer may enter into procurement contracts in the amount of $25,000 or more utilizing reverse auctions for the acquisition of supplies and services. The reverse auction process shall include a specification of an opening date and time when real-time electronic bids may be accepted, and provide that the procedure shall remain open until the designated closing date and time.

(b) All bids on reverse auctions shall be posted electronically on the Internet, updated on a real-time basis, and shall allow registered bidders to lower the price of their bid below the lowest bid on the Internet.

(c) The chief procurement officer shall require vendors to register before the reverse auction opening date and time, and as part of the registration, agree to any terms and conditions and other requirements of the solicitation.

(d) Any mechanism, including but not limited to software, developed by the Operational Services Division for the purpose of conducting reverse auctions by the Commonwealth, shall provide for the utilization of such mechanism by municipalities.

(e) The Operational Services Division may assess any municipality utilizing such reverse auction mechanism a reasonable fee, calculated to compensate for any increased cost attributable to such utilization, which shall be credited to the general fund.

(f) Reverse auctions shall not be subject to subsections (b) (1) or (d) of section 5 but shall be subject to all other provisions of that section.

SECTION 20. Section 20 of Chapter 30B of the General Laws is hereby amended by inserting at the end thereof the following:—

Any public procurement unit may participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the procurement of any supplies with one or more public procurement units or external procurement activities in accordance with an agreement entered into between the participants. The public procurement unit conducting the procurement of any supplies shall do so in a manner that constitutes a full and open competition.".

The amendment was adopted.

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Mr. Kaufman of Lexington and other members of the House then moved to amend the bill by adding the following section:

"SECTION 21. (A) Subsection twenty-second E of section 5 of chapter 59 of the General Laws, is hereby amended by striking out the words 'and are incapable of working' in the first paragraph.

(B) Subsection forty-first c½ of said section of said chapter, is hereby amended by adding to the end of the second paragraph, the following sentence: (4) utilizing income limits on a household basis rather than a single applicant basis for real estate tax exemptions.

(C) Said section of said chapter is hereby further amended by adding the following subsection:

Fifty-sixth. Upon the acceptance of this section by a city or town, the board of assessors may grant, real and personal property tax abatement up to 100% of the total tax assessed to members of the Massachusetts National Guard and to reservists on active duty in foreign countries for the fiscal year they performed such service subject to eligibility criteria to be established by the board of assessors.

The authority to grant abatements under this act shall expire after 2 years of adoption unless extended by a vote of the city or town.

(D) Said section of said chapter is hereby further amended by adding the following subsection:

Fifty-seventh. Upon the acceptance of this section by a city or town, the board of assessors may appropriate monies for and grant property tax rebates in an amount not to exceed annually the amount of the income tax credit set forth under the provisions of subsection (k) of section 6 of chapter 62.

(E) Section 5K of Chapter 59 of the General Laws is hereby amended by adding the following paragraph:

A city or town, by vote of its legislative body, subject to its charter, may adjust the exemption contained in this clause by: (1) allowing an approved representative, for persons physically unable, to provide such services to the city or town; (2) allowing the maximum reduction of the real property tax bill to be based on one hundred and twenty-five volunteer service hours in a given tax year, rather than $1,000.".

After debate the amendment was adopted.

Mr. Conroy of Wayland then moved to amend the bill by adding the following section:

"SECTION 22. Section 6 of chapter 70B of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word 'dates', in line 66, the following words:— or up to 30 years in instances when consistent with the guidelines established pursuant to section 7 of chapter 44.".

The amendment was adopted.

Mr. Murphy of Burlington and other members of the House then moved to amend the bill in section 4 by adding the following paragraph:

"(e) Systems may establish a schedule under this section that provides for an increase in the maximum base amount, on which the cost-of-living adjustment is calculated pursuant to section 103, in multiples of $1,000. Acceptance of this subsection shall be in accordance with the provisions in section 103 (j)."; in section 11, in line 398, by striking out the word "regular"; and by adding the following twenty-nine sections:

"SECTION 23. Section 20 of said chapter 30B, as so appearing, is hereby amended by adding the following paragraph:—

A state or local public procurement unit may participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the procurement of any supplies with one or more state or local public procurement units or external procurement activities in accordance with an agreement entered into between the participants. The state or local public procurement unit conducting the procurement of any supplies shall do so in a manner that constitutes a full and open competition.

SECTION 24. Section 103 of chapter 32 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:—

(j) Notwithstanding the provisions of paragraph (a), the board of any system, that establishes a schedule pursuant to section 22D or section 22F, may increase the maximum base amount, on which the cost-of-living adjustment is calculated, in multiples of $1,000. Each increase in the maximum base amount shall be accepted by a majority vote of the board of such system, subject to the approval of the legislative body. For the purpose of this section, 'legislative body' shall mean, the city council in accordance with its charter, in the case of a town, the town meeting, in the case of a county or region, the county or regional retirement board advisory council, in the case of a district, the district members, and, in the case of an authority, the governing body. Acceptance of an increase in the maximum base amount shall be deemed to have occurred upon the filing of the certification of such vote with the commission. A decision to accept an increase in the maximum base amount may not be revoked.

SECTION 25. Section 56 of chapter 40 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:—

Notwithstanding the first paragraph, the commissioner may, from time to time, issue a revised schedule for the year in which he shall certify whether the board of assessors is assessing property at full and fair cash valuation. After the schedule is issued, a city or town may classify in the manner set forth in this section for any year before the next year of certification established in the schedule for the city or town. In arranging the schedule the commissioner shall, so far as practicable and appropriate, consider but not be limited to the following goals: balancing the number of certification reviews conducted in each year of the triennial period, facilitating and implementing joint or cooperative assessing agreements or districts, assisting boards of assessors to comply with any minimum standards of assessment performance established under section 1 of chapter 58 and producing uniformity in the valuation, classification and assessment of property within each city or town and throughout the commonwealth.

SECTION 26. Section 7 of chapter 44 of the General Laws is hereby amended by inserting after clause 17 the following new clause:—

(17A) For dredging of tidal and non-tidal rivers and streams, harbors, channels and tide waters, 10 years.

SECTION 27. Section 7 of chapter 44 of the General Laws is hereby amended by inserting at the end thereof the following new clause:—

(32) For the cost of cleaning up or preventing pollution caused by existing or closed municipal facilities not defined in clause (21) of sec-

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tion 8 including cleanup or prevention activities taken pursuant to chapter 21E or chapter 21H, 10 years; provided, however, that no indebtedness shall be incurred hereunder until plans relating to the project shall have been submitted to the department of environmental protection and the approval of the department has been granted therefore, 10 years.

SECTION 28. Section 7 of chapter 44 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word 'specified', in line 3, the following words:— or, except with respect to clauses (3C), (11), (16), (18), (19), (21) and (22), within such longer period not to exceed 30 years based upon the maximum useful life of the public work, improvement or asset being financed, as determined in accordance with guidelines established by the division of local services of the department of revenue.

SECTION 29. Said section 7 of said chapter 44, as so appearing, is hereby further amended by striking out in lines 51 to 54, inclusive, the words:— or for such maximum term, not exceeding 15 years, based upon the maximum useful life of the equipment as determined by the board of selectmen or the mayor or city manager of the city or town.

SECTION 30. Section 7 of chapter 44 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after clause (3B) the following clause:—

(3C) For a revolving loan fund established under section 53E¾ to assist in development of renewable energy and energy conservation projects on privately held buildings, property or facilities within the city or town, 20 years.

SECTION 31. Section 8 of said chapter 44, as so appearing, is hereby amended by inserting after the word 'specified', in line 3, the following words:— or except with respect to clauses (1), (2), (3A), (5), (6), (7), (9) and (19), within such longer period not to exceed 30 years based upon the maximum useful life of the public work, improvement or asset being financed as determined in accordance with guidelines established by the division of local services of the department of revenue.

SECTION 32. Section 26 of chapter 44 is hereby repealed.

SECTION 33. Said chapter 44, as so appearing, is hereby further amended by inserting after section 53E½ the following section:—

Section 53E¾. (a) Notwithstanding the provisions of section 53 to the contrary, a city or town may establish a revolving fund to be known as the Energy Revolving Loan Fund, in this section called the fund. The purpose of the fund is to provide loans to owners of privately held real property in the city or town for energy conservation and renewable energy projects on their properties so as to prioritize energy efficiency as the first step toward reducing greenhouse gas emissions associated with buildings.

(b) The fund shall be established by ordinance or by-law. Before adoption of the ordinance or by-law, the selectmen, town council or the city council, as the case may be, shall conduct a public hearing on the question of its adoption. The ordinance or by-law shall designate an administrator for the fund and may provide for any rules, regulations and procedures for administration of the fund and eligibility for loans the city or town considers necessary or proper to carry out the purposes

of this section. The administrator may consult with the green communities division, established in section 10 of chapter 25A, in developing such regulations, rules and procedures for administration of the fund. The fund administrator may be a board, department or officer, or may consist of 1 or more members from 1 or more boards, departments or officers, of the city or town. Any city or town which is a member of a regional planning commission may enter into a cooperative agreement with that commission to perform as administrator for the fund.

(c) As authorized by section 4A of chapter 40, 2 or more municipalities may, in a city by vote of the city council thereof, and in a town by vote of the board of selectmen thereof, enter into an agreement to jointly establish and administer a common fund.

(d) The fund administrator shall have the following duties and powers:—

(1) to make loans to owners of real estate to finance or refinance the costs of energy conservation and renewable energy projects on their properties; provided no loan shall be made unless an energy audit of the property has been conducted on or after July 2, 2008, and any energy conservation measures established by the fund administrator for participation in the program have been implemented;

(2) to execute and deliver on behalf of the city or town all loan agreements and other instruments necessary or proper to make the loan and secure its repayment;

(3) to record the notice of the agreement required by subsection (f) and any other loan instruments;

(4) to apply for and accept grants or gifts for purposes of the fund; and

(5) to exercise any other powers or perform any other duties the city or town may grant by ordinance or by-law to carry out the purposes of the section.

(e) The city or town treasurer shall be the custodian of the fund, which shall be maintained as a separate account, and into which shall be placed:—

(1) all monies appropriated and proceeds from bonds issued under clause (3C) of section 7 for purposes of providing loans to private property owners for energy conservation and renewable energy projects;

(2) all funds received from the commonwealth or any other source for those purposes;

(3) all repayments of the loans made by property owners under this section, and any reserve or other required payments made by the owners in connection with the loans; and

(4) any other amounts required to be credited to the fund by any law.

The city or town treasurer may invest the monies in the manner authorized by section 55, and any interest earned thereon shall be credited to and become part of the fund.

The city or town treasurer shall, not later than June 30 of each year, certify in writing to the fund administrator and auditor or similar officer in cities, or the town accountant in towns having that officer, the principal and interest due in the next fiscal year on any bonds issued under clause (3C) of section 7 and not otherwise provided for, and the amount certified shall be reserved for payment of that debt

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service without further appropriation. Loans may be made from the fund by the fund administrator without further appropriation, subject to this section; provided, however, that no loans shall be made or liabilities incurred in excess of the unreserved fund balance, nor made unless approved in accordance with sections 52 and 56 of chapter 41.

(f) Whenever the city or town enters into a loan agreement with a property owner under this section, a notice of the agreement shall be recorded as a betterment and be subject to the provisions of chapter 80 relative to the apportionment, division, reassessment and collection of assessment, abatement and collections of assessments, and to interest; provided, however, that for purposes of this section, the lien shall take effect by operation of law on the day immediately following the due date of the assessment or apportioned part of the assessment and the assessment may bear interest at a rate determined by the city or town treasurer by agreement with the owner at the time the agreement is entered into between the city or town and the property owner. In addition to remedies available under chapter 80, the property owner shall be personally liable for the repayment of the total costs incurred by the city or town under this section; provided, however, that upon assumption of the personal obligation by a purchaser or other transferee of all of the original owner's interest in the property at the time of conveyance and the recording of the assumption, the owner shall be relieved of the personal liability.

A betterment loan agreement between an owner and a city or town under this section shall not be considered a breach of limitation or prohibition contained in a note, mortgage or contract on the transfer of an interest in property.

Notwithstanding any provision of chapter 183A to the contrary, the organization of unit owners of a condominium may enter into a betterment loan agreement under this section to finance an energy conservation and renewable energy project provided that the project comprises part of the common areas and facilities. The agreement shall: (i) be approved by a majority of the unit owners benefited by the project; (ii) include an identification of the units and unit owners subject to the agreement and the percentages, as set forth in the master deed, of the undivided interests of the respective units in the common area and facilities; and (iii) include a statement by an officer or trustee of the organization of unit owners certifying that the required number of unit owners have approved the agreement. As between the affected unit owners and the city or town, the certification shall be conclusive evidence of the authority of the organization of unit owners to enter into the agreement. A notice of the agreement shall be recorded as a betterment in the registry of deeds or registry district of the land court where the master deed is recorded and shall be otherwise subject to the provisions of chapter 80 as provided for in this section. The assessment under the agreement may be charged or assessed to the organization of units owners but shall not constitute an assessment of common expenses. Instead, the allocable share of the assessment, prorated on the basis of the percentage interests of the benefited units in the common areas and facilities, shall attach as a lien only to the units identified in the recorded notice and benefited by the project and the owners of those units shall also be personally liable for their allocable

share of the assessment as provided for in this section. Words defined in section 1 of said chapter 183A and used in this paragraph have the same meanings as appearing in said chapter 183A.

(g) The fund administrator shall file annually no later than June 30 a report detailing the amount of money in the fund, loans made, and repayments received, and shall also include the types of projects financed. The report shall be filed with the chief executive officer of the city or town, the executive office of administration and finance, the joint committee on municipalities and regional government, the senate and house committees on ways and means, and the clerks of the senate and the house of representatives.

SECTION 34. Section 8 of chapter 58 of the General Laws, as so appearing, is hereby amended by striking out the second and third paragraphs and inserting in place thereof the following paragraph:—

The commissioner shall make, and from time to time revise, rules, regulations and guidelines necessary for establishing an expedited procedure for granting authority to abate taxes, assessments, rates, charges, costs or interest under this section in such cases as he determines are in the public interest and shall from time to time for such periods as he considers appropriate authorize the assessors or the board or officer assessing the tax, assessment, rate or charge, to grant these abatements. No abatement authorized by these procedures shall be granted unless the assessors or board or officer shall certify, in writing, under pains and penalties of perjury that the procedures have been followed. The commissioner shall require yearly reports and audits of these abatements by assessors or boards or officers that the commissioner considers necessary to ensure that any authority granted under this paragraph has been properly exercised, and shall withdraw this grant of authority to any particular assessors, board or officer upon his written determination that the authority has been improperly exercised. The commissioner may make, and from time to time revise, reasonable rules, regulations, and guidelines that he considers necessary to carry out this paragraph.

SECTION 35. Section 29 of chapter 59 of the General Laws, as so appearing, is hereby amended by striking out, in line 20, the words 'thirty days after the mailing of the tax bills' and inserting in place thereof the following words:— the last day for filing an application for abatement of the tax.

SECTION 36. Said chapter 59, as appearing in the 2008 Official Edition, is hereby further amended by inserting after section 31 the following section:—

Section 31A. For the purpose of verifying that a person required to file a true list of taxable personal property under section 29 has made a complete and accurate accounting of that property, the assessors may at any time within 3 years after the date the list was due, or the date the list was filed, whichever is later, examine the books, papers, records and other data of the person required to file the list. The assessors may compel production of books, papers, records and other data of the person through issuance of a summons served in the same manner as summonses for witnesses in criminal cases issued on behalf of the commonwealth, and all provisions of law relative to summonses in such cases shall, so far as applicable, apply to summonses issued under

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this section. Any justice of the supreme judicial court or of the superior court may, upon the application of the assessors, compel the production of books, papers, records and other data in the same manner and to the same extent as before the said courts.

SECTION 37. Section 32 of said chapter 59, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following 2 sentences:— Lists filed under section 29 and books, papers, records and other data obtained under section 31A, shall be open to the inspection of the assessors, the commissioner, the deputies, clerks and assistants of either the assessors or the commissioner and any designated private auditor of the commissioner or the assessors as may have occasion to inspect the lists, books, papers, records and other data in the performance of their official, contractual or designated duties, but so much of the lists, books, papers, records and other data as shows the details of the personal estate shall not be open to any other person except by order of a court. For purposes of this section, a designated private auditor shall be an individual, corporation or other legal entity selected by the commissioner or any city or town to value personal property or perform an audit which includes the assessing department of a city or town under any legal authority, including the examination of records under section 31A, an audit under sections 40 or 42A of chapter 44 or an investigation under section 46A of chapter 44.

SECTION 38. Section 38D of chapter 59 is hereby amended in paragraph two by striking the first sentence and inserting in place thereof the following sentence:— Failure of an owner or lessee of real property to comply with such request within 60 days after it has been made by the board of Assessors shall be automatic grounds for dismissal of a filing at the appellate tax board. The appellate tax board and the county commissioners shall be prohibited from granting extensions for the purposes of extending the filing requirements unless the applicant was unable to comply with such request for reasons beyond his control or unless he attempted to comply in good faith.

SECTION 39. Said chapter 59 of the General Laws, as appearing in the 2008 Official Edition, is hereby further amended by inserting after section 42 the following section:—

Section 42A. For the purpose of verifying that any owner of a pipeline or a telephone or telegraph company required to make a return under section 38A or 41 has made a complete and accurate accounting of the property required to be returned, the commissioner shall have all the powers and remedies provided by section 31A to assessors of cities and towns. If the commissioner reasonably believes, as a result of an examination of books, papers, records, and other data or otherwise, that taxable personal property for a fiscal year was not valued or was incorrectly valued, the commissioner may, not later than 3 years and 6 months after the date the return was due, or the date the return was filed, whichever is later, certify an amended valuation to the owner of the pipeline or telephone or telegraph company and boards of assessors of the cities and towns where the property was subject to taxation for that year. Not later than 2 months after the date of the amended certification, the assessors shall assess and commit to the collector with their warrant for collection an additional tax to the owner of the pipeline or

telephone or telegraph company. Any owner or company aggrieved by the assessment of the additional tax may, within 1 month after the bill or notice of the additional assessment is first sent, appeal the valuation to the appellate tax board. The appeal shall name as appellees the commissioner and board of assessors. Except as otherwise provided in this section, the hearing and appeal before the appellate tax board shall proceed in the same manner as an appeal of the valuations originally certified by the commissioner.

SECTION 40. Section 61 of said chapter 59, as so appearing, is hereby amended by inserting after the word 'twenty-nine', in line 4, the following words:— , and complied with any requests by the assessors to examine books, papers, records, and other data under section 31A.

SECTION 41. Said section 61 of chapter 59, as so appearing, is hereby further amended by inserting after the word 'twenty-nine', in line 6, the following words:— , or the person has not complied with any requests by the assessors to examine books, papers, records, and other data under section 31A.

SECTION 42. Section 75 of said chapter 59, as so appearing, is hereby amended by striking the first sentence and inserting in place thereof the following 3 sentences:— If any parcel of real property or the personal property of a person has been unintentionally omitted from the annual assessment of taxes due to clerical or data processing error or other good faith reason, or if the personal property of a person was omitted from the annual assessment of taxes but discovered upon an examination of books, papers, records, and other data under section 31A, the assessors shall in accordance with any rules, regulations and guidelines as the commissioner may prescribe, assess such person for such property. Except for personal property found after an examination under section 31A which shall be made no later than 3 years and 6 months after the date the true list in which such property should have been returned was due, or the date the return was filed, whichever is later, no such assessment shall be made later than June 20 of the taxable year, or 90 days after the date on which the tax bills are mailed, whichever is later. The assessors shall annually, not later than June 30 of the taxable year, or 100 days after the date on which the tax bills are mailed, if mailed after March 22, return to the commissioner a statement showing the amounts of additional taxes so assessed.

SECTION 43. Section 76 of said chapter 59, as so appearing, is hereby amended by inserting after the word 'reason', in line 3, the following words:— , or due to discovery upon an examination of books, papers, records, and other data under section 31A that the property was not accurately or properly reported.

SECTION 44. Chapter 60 of the General Laws is hereby amended by striking out section 3A, as appearing in the 2008 Official Edition, and inserting in place thereof the following section:—

Section 3A. (a) Every bill or notice shall be in a form approved by the commissioner and shall summarize the deadlines under section 59 of chapter 59 for applying for abatements and exemptions. Every bill or notice shall also have printed on it the last date for the assessed owner to apply for abatement and for exemptions under clauses other than those specifically listed in said section 59 of said chapter 59. Except in the case of a bill or notice for reassessed taxes under sec-

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tion 77 of said chapter 59, every bill shall also have printed on it the last date on which payment can be made without interest being due. If a bill or notice contains an erroneous payment or abatement application date that is later than the date established under said chapter 59, the date printed on the bill or notice shall be the deadline for payment or for applying for abatement or exemption, but if the error in the date is the wrong year, the due date shall be the day and month as printed on the bill but for the current year. The commissioner may require, with respect to any city or town, that the tax bill or notice include such information as he may determine to be necessary to notify taxpayers of changes in the assessed valuation of the property. Every bill or notice for real or personal property tax shall have printed thereon in a conspicuous place the tax rate for each class within the town, as determined by the assessors. In addition, every bill or notice for a tax upon real property shall identify each parcel separately assessed by street and number or, if no street number has been assigned, by lot number, name of property or otherwise, shall describe the land, buildings and other things erected on or affixed to the property and shall state for each such parcel the assessed full and fair cash valuation, the classification, the residential or commercial exemption, if applicable, the total taxable valuation and the tax due and payable on such property. If the assessors have granted the owner an exemption under any clause specifically listed in said section 59 of said chapter 59, the bill or notice of such owner may also show the exemption and the tax, as exempted, that is due and payable on such property.

(b) The collector may issue the bill or notice required by section 3 in electronic form, provided that the electronic bills or notices meet the standards set forth in subsection (a). Any electronic bills or notices issued shall be under voluntary programs established by the collector with the approval of the board of selectmen, or mayor, as the case may be. No political subdivision shall require its taxpayers to take part in an electronic billing system or program.

(c) The collector may include in the envelope or electronic message in which property tax bills are sent those bills or notices for rates, fees and charges assessed by the city or town for water or sewer use, solid waste disposal or collection, or electric, gas or other utility services as may be authorized by ordinance or by-law, provided that the bills or notices shall be separate and distinct from the property tax bills. The ordinance or by-law may authorize the collector, upon vote of any municipal water and sewer commission established by the city or town under chapter 40N or a special act, to include bills or notices for rates, fees or charges assessed by the commission for water or sewer use.

(d) The collector may, with the approval of the board of selectmen, or mayor, as the case may be, include in the envelope or electronic message in which property tax bills are sent nonpolitical municipal informational material; provided, however, that such nonpolitical municipal informational material is mailed, it shall not be included if the material causes an increase in the postage required to mail the tax bill.

SECTION 45. Section 2 of chapter 60A, as so appearing, is hereby amended by inserting after the word ‘section’, in line 42, the following words:— and the due date shall be clearly indicated on the tax notice.

SECTION 46. Section 37 of chapter 71 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting at the end of line 6, the following sentence:— The school committee in each city and town and regional school district shall have the authority to select a superintendent jointly with one or more other school committees and said superintendent shall serve as the superintendent of all of the districts that selected him.

SECTION 47. Chapter 71 of the General Laws is hereby amended by inserting after section 37M the following section:—

Section 37M½. For any city or town accepting the provisions of this section, not earlier than December first of each alternating year beginning in 2010, and not later than January thirty-first of every other year, the superintendent of schools for each school district serving such municipality shall meet with the mayor, town manager, or chief municipal officer or his designee for that municipality to review the fiscal status of the school district budget and to identify opportunities for cost savings and efficiencies and any potential methodologies, including, but not limited to, joint procurement or consolidation of redundant functions. The results of each meeting shall be transmitted to the local legislative body and the local school committee not later than 30 days after the meeting.

SECTION 48. Chapter 111C of the General Laws is hereby amended by adding the following section:—

Section 25. When a class I, II or V ambulance, as defined in 105 CMR 170.455, 170.460 and 170.470, transports a patient receiving care at the paramedic level of advanced life support, as defined in 105 CMR 170.295, the ambulance must be staffed with a minimum of 2 emergency medical technicians, only 1 of whom must be certified at the EMT-Paramedic level, as defined in 105 CMR 170.840.

SECTION 49. Chapter 176D of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after section 3B the following new section:—

Section 3C. (a) As used in this section the following words, shall unless the context clearly requires otherwise, have the following meanings:—

'Ambulance Service Provider', a person or entity licensed by the department of public health under section 6 of chapter 111C to establish or maintain an ambulance service.

'Ambulance Services', 1 or more of the services that an ambulance service provider is authorized to render under its ambulance service license.

'Insurance Policy' and 'Insurance Contract', a contract of insurance, motor vehicle insurance, indemnity, medical or hospital service, dental or optometric, suretyship, or annuity issued, proposed for issuance or intended for issuance by any insurer.

'Insured', an individual entitled to ambulance services benefits under any insurance policy or insurance contract.

'Insurer', a person as defined in section 1 of chapter 176D; any health maintenance organization as defined in section 1 of chapter 176G; a non-profit hospital service corporation organized under chapter 176A; any organization as defined in section 1 of chapter 111I that participates in a preferred provider arrangement also as defined in

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said section 1 of said chapter 111I; any carrier offering a small group health insurance plan under chapter 176J; any company as defined in section 1 chapter 175; any employee benefit trust; any self-insurance plan, and any company certified under section 34A of chapter 90 and authorized to issue a policy of motor vehicle liability insurance under section 113A of chapter 175 that provides insurance for the expense of medical coverage.

(b) Notwithstanding any general or special provision of law to the contrary, in any instance in which an ambulance service provider provides an ambulance service to an insured but is not an ambulance service provider under contract to the insurer maintaining or providing the insured's insurance policy or insurance contract, the insurer maintaining or providing such insurance policy or insurance contract shall pay the ambulance service provider directly and promptly for the ambulance service rendered to the insured. Such payment shall be made to the ambulance service provider notwithstanding that the insured's insurance policy or insurance contract contains a prohibition against the insured assigning benefits thereunder so long as the insured executes an assignment of benefits to the ambulance service provider, and such payment shall be made to the ambulance service provider in the event an insured is either incapable or unable as a practical matter to execute an assignment of benefits under any insurance policy or insurance contract pursuant to which an assignment of benefits is not prohibited, or in connection with an insurance policy or insurance contract that contains a prohibition against any such assignment of benefits. An ambulance service provider shall not be considered to have been paid for an ambulance service rendered to an insured, if the insurer makes payment for said ambulance service to the insured. An ambulance service provider shall have a right of action against any insurer that fails to make any payment to it pursuant to this subsection.

SECTION 50. Section 9A of chapter 200A of the General Laws, as so appearing, is hereby amended by striking it out in its entirety and inserting in place thereof the following:—

(a) This section shall apply to abandoned funds, as determined herein, held in the custody of cities, towns or districts that have accepted the provisions of this section pursuant to section 4 of chapter 4 of the general laws. In the case of such cities, towns or districts accepting the provisions of this section there shall be an alternative procedure for disposing of abandoned funds held in the custody of such cities, towns or districts as provided in this section, and only this section shall apply to the disposition of such funds.

(b) Any funds held in the custody of a city, town or district that has accepted this section may be presumed by the city, town or district treasurer to be abandoned unless claimed by the corporation, organization, beneficiary or person entitled thereto within one year after the date prescribed for payment or delivery, provided the last instrument intended as payment bears upon its face the statement 'void if not cashed within one year from date of issue.' Once a period of one year has elapsed from the date of any such instrument, the treasurer of any such city, town or district may cause the financial institution upon which the instrument was drawn to stop payment on the instrument, or otherwise cause the financial institution to decline payment on the

instrument, and any claims made beyond this date may only be paid by the city, town or district through the issuance of a new instrument. Neither the city, town, district nor financial institution shall be liable for damages, consequential or otherwise, resulting from a refusal to honor an instrument of a city, town or district submitted for payment more than one year from its issuance.

(c) The treasurer of a city, town or district holding funds owed to a corporation, organization, beneficiary or person entitled thereto, that are presumed to be abandoned as aforementioned, shall post a notice, which notice shall be entitled 'Notice of Names of Persons appearing to be Owners of funds held by (insert city, town or district name), and deemed abandoned.' The notice shall specify those who appear from available information to be entitled to such funds, shall provide a description of the appropriate method for claiming such funds, and shall state a deadline beyond which funds may no longer be claimed, provided such deadline is no earlier than 60 days from the date such notice was either postmarked or first posted on a website as herein provided. The treasurer of such city, town or district may post such notice using the following methods: (1) by mailing such notice postpaid to the last known address of the beneficiary or person entitled thereto, sent via first class mail, and (2) if the city, town or district maintains an official website the said treasurer may, post the notice conspicuously on said website for a period of not less than 60 days. After 60 days from the mailing or posting of the notice, if the apparent owner fails to respond, the treasurer shall cause a notice of the check to be published in a newspaper of general circulation which is printed in English in the county in which the city or town is located.

(d) In the event funds appearing to be owed to a corporation, organization, beneficiary or person amount to $100 or more, and the deadline as provided in the aforementioned notice has passed, and no claim for the funds has been made, the treasurer shall cause an additional notice, in substantially the same form as the aforementioned notice, to be published in a newspaper of general circulation in the county (or counties) in which the city, town or district is located, except that this notice shall provide an extended deadline beyond which funds cannot be claimed, which shall be no earlier than one year from the date of publication of such notice.

(e) Once the final deadline of the aforementioned notice(s) has passed, the funds owed to such corporation, organization, beneficiary or person entitled thereto shall escheat to the city, town or district and the treasurer thereof shall record the funds as revenue in the general fund of the city, town or district, and the city, town or district shall not thereafter be liable to the corporation, organization, beneficiary or person for payment of those funds, nor for the underlying liability for which the funds were originally intended. These funds shall then be available to the city, town or district's appropriating authority for appropriation for any other public purpose. In addition to the notices herein provided for, the treasurer of the city, town or district may initiate any other notices or communications that are directed in good faith toward making final disbursement of the funds to the corporation, organization, beneficiary or person entitled thereto.

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Prior to escheatment of the funds, the treasurer of the city, town or district shall hear all claims on funds that may arise, and if it is clear, based on a preponderance of the evidence available to the treasurer at the time the claim is made that the claimant is entitled to disbursement of the funds, the treasurer shall disburse funds to the claimant upon receipt by the treasurer of a written indemnification agreement from the claimant wherein the claimant agrees to hold the city, town or district and the treasurer of the city, town or district harmless in the event it is later determined that the claimant was not entitled to receipt of the funds. If it is not clear, based on a preponderance of the evidence before the treasurer at the time of the claim that the claimant is entitled to disbursement of the funds, the treasurer shall segregate the funds into a separate, interest bearing, bank account and shall notify the claimant of such action within 10 days. A claimant affected by this action may appeal within 20 days to the district, municipal or superior court of the county in which the city, town or district is located. The claimant shall have a trial de novo. An appeal shall be perfected by the claimant within 20 days after receiving notice of this action by the city, town or district treasurer. A party adversely affected by a decree or order of the district, municipal or superior court may appeal to the appeals court or the supreme judicial court within 20 days from the date of the decree.

If the validity of the claim shall be determined in favor of the claimant or another party, the treasurer shall disburse funds to the claimant in accordance with the order of the court, including interest accrued. If the validity of the claim is determined to be not in favor of the claimant or any other party, or if the treasurer does not receive notice that an appeal has been filed within one year from the date the claimant was notified that funds were being withheld, then the funds, plus accrued interest, shall escheat to the city, town or district in the manner herein provided.

If the claimant is domiciled in a country or state outside the United States or its territories and the city, town or district determines that there is no reasonable assurance that the claimant will actually receive the payment provided for in this section in substantially full value, the superior court, in its discretion or upon a petition by the city, town or district may order that the city, town or district retain such payment.

SECTION 51. (a) The terms used in this section shall have the following meanings unless the context clearly requires otherwise:

'Amnesty period', a period of time commencing not earlier than the date a municipal legislative body establishes a municipal tax amnesty program according to this act and expiring on June 30 2011 or on such earlier date as the municipal legislative body might determine, during which the municipal tax amnesty program established by the municipal legislative body shall be in effect in that city or town.

'Collector', as defined in section 1 of chapter 60 of the General Laws.

'Covered amount', the aggregate of all penalties, fees, charges and accrued interest assessed by the collector or treasurer for the failure of a certain taxpayer to timely pay a subject liability; provided, that the covered amount shall not include the subject liability itself.

'Municipal tax amnesty program', a temporary policy whereby a city or town forever waives its right to collect all or any uniform proportion of the covered amount, as determined by the local enacting authority, then due from any person who, prior to the expiration of the amnesty period, voluntarily pays the collector or treasurer the full amount of the subject liability that serves as the basis for said covered amount; provided, that a municipal tax amnesty program shall not include any policy that enables or requires a city or town to waive its right to collect the covered amount from any person who, as of the time the amnesty period commences, is or was the subject of a criminal investigation or prosecution for failure to pay the city or town any subject liability or covered amount.

'Subject liability', the principal amount of a particular tax or excise liability payable by a taxpayer under chapter 59, 60, 60A, or 60B of the General Laws, as determined by the municipal legislative body.

'Treasurer', as defined in chapter 41 of the General Laws.

(b) Notwithstanding any general or special law to the contrary, the municipal legislative body in any city or town may vote to establish a municipal tax amnesty program according to the provisions of this section and shall, at the same time as such vote, determine the amnesty period. Tax amnesty periods shall not extend beyond June 30, 2011. The commissioner of revenue may issue such guidelines as he deems appropriate to carry out this section.".

The amendments were adopted.

Bill passed to be engrossed,—yea and nay No. 358.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays at the request of Mr. Donato of Medford; and on the roll call (Mr. Donato being in the Chair) 156 members voted in the affirmative and 0 in the negative.

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

Therefore the bill (House, No. 4631, published as amended) was passed to be engrossed. Sent to the Senate for concurrence.

Reports of a Committee.

Election practices.

By Mr. Kakfa of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill prohibiting certain election practices (House, No. 557) 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.

Historic stone walls.

By Mr. Kakfa of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill relative to historic stone walls (House, No. 1694) be scheduled for consideration by the House.

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

Swimming pools,—transportation.

By Mr. Kakfa of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the transportation of swimming pools (House, No. 4025) be scheduled for consideration by the House.

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

Recess.

Recess.

At twenty-five minutes after six o'clock P.M.; on motion of Mr. Moran of Boston (Mr. Donato of Medford being in the Chair), the House recessed until a quarter after seven o'clock; and at twenty-eight minutes after seven o'clock the House was called to order with Mr. Donato in the Chair.

Quorum.

Quorum.

Mr. Peterson of Grafton thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Donato), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum roll call,— yea and nay No. 359.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 146 members were recorded as being in attendance.

[See Yea and Nay No. 359 in Supplement.]

Therefore a quorum was present.

Orders of the Day.

General Appropriation Bill.

The House Bill making appropriations for the fiscal year 2011 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 (House, No. 4600) was read a second time.

After remarks on the question on ordering it to a third reading, Mr. Frost of Auburn moved to amend the bill by inserting after section 47 the following section:

"SECTION 47A. Section 6 of chapter 62 of the General Laws, as most recently amended by chapter 166 of the Acts of 2009, is hereby further amended by adding the following subsection:—

(q)(1) A taxpayer who pays for direct home health services for an elderly parent or in law 60 years of age or older who resides in the commonwealth shall be allowed a credit of $5000. (2) A taxpayer who pays for his own home health care services shall be allowed a credit of $5000. (3) A taxpayer who pays for direct home hospice services for another of any age shall be allowed a credit of $5000.".

Amendment rejected,— yea and nay No. 360.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Frost; and on the roll call 22 members voted in the affirmative and 134 in the negative.

[See Yea and Nay No. 360 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting after section 28 the following section:

"SECTION 28A. Section 55 of chapter 27 of the acts of 2009 is hereby repealed.";

And by inserting after section 49 (as printed) the following section:

"SECTION 49A. Section 28A shall be effective July 1, 2011.".

Pending the question on adoption of the amendments, Mr. Kaufman of Lexington moved to amend them by adding at the end of the proposed sections 28A and 49A, in each instance, the following paragraph:

"Notwithstanding any special or general law to the contrary, the provisions of this section shall not take effect until such time as the executive office of administration and finance and the department of revenue has furnished a study of its impact on the state's economy and revenue cost to the commonwealth and its cities and towns, including, but not limited to, a distributional analysis showing the impact on taxpayers of varying income levels, the current practice of other states, any anticipated change in employment and ancillary economic activity to the joint committee on revenue and until legislation has been filed and passed pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution.".

Recess.

After debate on the question on adoption of the further amendments, at one minute before nine o'clock P.M.; on motion of Ms. Malia of Boston (Mr. Donato of Medford being in the Chair), the House recessed until the following day at ten o'clock A.M.; and at that time the House was called to order with Mr. Donato in the Chair.

Tuesday, April 27, 2010 (at 10:00 o'clock A.M.).

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

Prayer.

Gracious God, You are our ever-present source of inspiration, guidance and courage. Once again, at the opening of today's legislative session, we turn our attention to You and spiritual values and principles. Often we are busy with tasks to accomplish and places to go so that we sometimes overlook You and Your presence in our lives. As we address the items on today's calendar let our hearts and minds be filled with Your peace, light, hope and joy. In resolving the current needs of the people and the Commonwealth may we be mindful of the needs of future generations. Teach us to be aware of the debt of gratitude we owe to our predecessors who labored to make Massachusetts safe, prosperous, with a deep concern for children, families and the elderly.

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.

Statement of Representative Bosley of North Adams.

A statement of Mr. Bosley of North Adams was spread upon the records of the House, as follows:

Statement of Mr. Bosley of North Adams.

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for yesterday's session due to business in my district. Had I been present for the taking of the yeas and nays on the question on passing to be engrossed the municipal relief bill, I would have voted in the affirmative. My missing of roll calls yesterday was due entirely to the reason stated.

Guests of the House.

Former professional athletes supporting concussion prevention.

During the session, Mr. Kujawski of Webster took the Chair for the purpose of introducing noted former professional athletes: Ted Johnson, former Patriot's linebacker and three time Superbowl champion; Bob Sweeney, former Boston Bruin; Jason Zent, former NHL player; Micky Ward, boxing legend; and Chris Nowinski, former WWE wrestler and co-director of the Center for the Study of Traumatic Encephalopathy. The distinguished former athletes were visiting the State House in support of concussion prevention in young student athletes. Mr. Nowinski then addressed the House briefly.

Papers from the Senate.

Somerville,—land transfer.

A Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the city of Somerville to the Somerville housing authority (Senate, No. 2286, 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 authorize forthwith the division of capital asset management and maintenance to convey a certain parcel of land in the city of Somerville for the creation of affordable housing for elderly residents, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience".) [Local Approval Received], passed to be engrossed by the Senate was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Middlefield,—recall election.

A Bill relative to recall in the town of Middlefield (Senate, No. 2391) (on Senate bill No. 2129) [Local Approval Received], passed to be engrossed by the Senate was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Report of a Committee.

Musical instruments.

By Ms. Walz of Boston, for the committee on Education, on House, No. 111, a Bill requiring the sterilization of musical instruments in schools (House, No. 4633). Referred, under Joint Rule 1E, to the committee on Health Care Financing.

Recesses.

Recesses.

At twelve minutes after ten o'clock A.M. (Tuesday, April 27), on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until twenty minutes after ten o'clock; and at that time the House was called to order with Mr. Donato in the Chair.

The House thereupon took a further recess, on further motion of Mr. Peterson, until the hour of eleven o'clock; and at that time the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Resolutions.

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

Resolutions (filed by Mr. Fernandes of Milford) congratulating Colin Joseph Chabot on earning the Eagle Scout Award; and

Colin Joseph Chabot.

Resolutions (filed by Mr. Frost of Auburn and other members of the House) commending the Massachusetts letter carriers on their eighteenth anniversary of dedicated service to the food banks, food pantries and shelter of the Commonwealth;

Letter carriers.

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. Scibak of South Hadley, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Engrossed Bills.

The engrossed Bill designating the library at the Corrigan Mental Health Center in the city of Fall River as the Ralph A. Roberts Library (see House, No. 4364) (which originated in the House), in respect to which the Senate had concurred in the adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted.

The engrossed Bill designating a portion of Route 2 as the Dennis Rindone Roadway (see House, No. 1889) (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.

Id.

Quorum.

Mr. Peterson of Grafton, after some time, asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 148 members were recorded as being in attendance.

Quorum roll call,—yea and nay No. 361.

[See Yea and Nay No. 361 in Supplement.]

Therefore a quorum was present.

Orders of the Day.

The House Bill authorizing Edward Grace to take civil service examinations notwithstanding maximum age requirements (House, No. 2551) (its title having been changed by the committee on Bill in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Edward Grace.

The House Bill making appropriations for the fiscal year 2011 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 (House, No. 4600, amended) was considered, the main question being on ordering the bill to a third reading.

General Appropriation Bill.

The further amendments (offered at the previous session by Mr. Kaufman of Lexington) to the amendments offered by Mr. Jones and other members of the House (see pages 1224 and 1225) then also were considered.

Further amendments adopted,—yea and nay No. 362.

On the question on adoption of the further amendments, the sense of the House was taken by yeas and nays at the request of Ms. Polito of Shrewsbury; and on the roll call 88 members voted in the affirmative and 67 in the negative.

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

Therefore the further amendments were adopted.

The amendments, as amended, then also were adopted. Mr. Pedone of Worcester moved that this vote be reconsidered; and the motion to reconsider was negatived.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting after section 28A (inserted by amendment) the following section:

"SECTION 28B. Sections 53, 56, 57, and 59 of chapter 27 of the acts of 2009 are hereby repealed."; and

By inserting after section 49A (inserted by amendment) the following section:

"SECTION 49B. Section 28B shall be effective July 1, 2011.".

Pending the question on adoption of the amendments, Mr. Kaufman of Lexington moved to amend them by adding at the end of the proposed sections 28B and 49B, in each instance, the following paragraph:

"Notwithstanding any special or general law to the contrary, the provisions of this section shall not take effect until such time as the department of revenue and Massachusetts state lottery commissions has furnished a study of its impact on the state's economy and revenue cost to the commonwealth and its cities and towns, including, but not limited to, a distributional analysis showing the impact on taxpayers of varying income levels, the current practice of other states, any anticipated change in employment and ancillary economic activity to the joint committee on revenue and until legislation has been filed and passed pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution.".

Quorum.

Mr. Peterson thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum roll call,—yea and nay No. 363.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 148 members were recorded as being in attendance.

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

Therefore a quorum was present.

Further amendments adopted,—yea and nay No. 364.

After debate on the question on adoption of the further amendments, the sense of the House was taken by yeas and nays at the request of Mr. Peterson of Grafton; and on the roll call 97 members voted in the affirmative and 57 in the negative.

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

Therefore the further amendments were adopted.

The amendments, as amended, then also were adopted. Mr. Murphy of Burlington moved that this vote be reconsidered; and the motion to reconsider was negatived.

Representatives Barrows of Mansfield and Poirier of North Attleborough then moved to amend the bill by adding the following section:

"SECTION 52. Section 6 of chapter 62 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking subsection (i) and inserting in place thereof the following subsection:—

Any owner of residential property located in the commonwealth who is not a dependent of another taxpayer and who occupies said property as his principal residence, shall be allowed a credit equal to 40 per cent of the expenditures for design and construction expenses for the repair or replacement of a cesspool or septic system pursuant to the provisions of Title V as promulgated by the department of environmental protection in 1995. Said expenditures shall be the actual cost to the taxpayer or $10,000, whichever is less; provided, however, that said credit shall be available to eligible taxpayers beginning in the tax year in which the repair or replacement of said cesspool or septic system was completed; and provided, further, that said credit shall not exceed $1,000 in any tax year and any excess credit may be applied over the following four subsequent tax years up to an aggregate maximum of $4,000. The amount of any such credit shall be reduced by an amount equal to the total interest subsidy or grant received from the commonwealth, whether directly or indirectly, toward the cost of said expenditures. The department shall promulgate such rules and regulations as are necessary to administer the credit afforded by this subsection, including, but not limited to, a notification system by the commonwealth to recipients of said interest subsidy or grant of the amount of the total subsidy provided by the commonwealth.".

After debate the amendment was rejected.

Mr. Kujawski of Webster then moved to amend the bill by adding the following section:

"SECTION 52. Notwithstanding any general or special law to the contrary, an endowment fund shall be an institutional fund of a private institution of higher learning not wholly expendable by the institution on a current basis under the terms of the applicable gift instrument.

Any private institution of higher learning that has an endowment fund in excess of $1,000,000,000 shall be subject to an annual excise of 2½ percent of all monies in excess of $1,000,000,000.".

Pending the question on adoption of the amendment, Mr. Torrisi of North Andover moved to amend it by adding the following paragraph:

"Notwithstanding any special or general law to the contrary, the provisions of this section shall not take effect until such time as the executive office for administration and finance and the department of revenue has furnished a study of its impact on the state's economy and revenue cost to the commonwealth, including, but not limited to, a distributional analysis showing the impact on taxpayers of varying income levels, the current practice of other states, any anticipated change in employment and ancillary economic activity to the house and senate committees on ways and means and until legislation has been filed and passed pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution.".

After debate the further amendment was adopted.

The amendment, as amended, then also was adopted.

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Mr. Mariano of Quincy being in the Chair,— Mr. Patrick of Falmouth then moved to amend the bill by adding the following section:

"SECTION 53. Section 4 of Chapter 62 of the Generals Laws as appearing in the 2008 Official edition is hereby amended by striking subsection (a) (2) and inserting in place thereof the following subsection (a) (2) Part A taxable income consisting of interest and dividends shall be taxed at the rate of 12% provided that for any taxpayer who is 65 years of age or older and is not a dependent of another taxpayer the first $5000 of interest and dividends shall be exempt.".

Quorum.

After remarks on the question on adoption of the amendment, Mr. Pedone of Worcester asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Mariano), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum roll call,— yea and nay No. 365.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 151 members were recorded as being in attendance.

[See Yea and Nay No. 365 in Supplement.]

Therefore a quorum was present.

Amendment rejected,— yea and nay No. 366.

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Patrick of Falmouth; and on the roll call 9 members voted in the affirmative and 147 in the negative.

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

Therefore the amendment was rejected.

Mr. Webster of Pembroke then moved to amend the bill by inserting after section 20 the following section:

"SECTION 20A. Section 6 of chapter 64H of the General Laws is hereby amended by inserting after subsection (xx) the following:—

(yy) Allowances afforded to a purchaser in a bundled cellular telephone transaction, so-called. For the purposes of this subsection, allowances exempt from taxation shall be the difference between the amount the dealer charges for a particular telephone in a bundled transaction and the price the dealer would charge for that same telephone in an unbundled transaction.".

After remarks the amendment was rejected.

Mr. Murphy of Burlington and other members of the House then moved to amend the bill by inserting after section 20 the following section:

"SECTION 20A. Section 23 of chapter 64H of the General Laws is hereby repealed."; and

By inserting after section 21 the following section:

"SECTION 21A. Paragraph (4) of subsection (A) of section 3 of chapter 90C of the General Laws, as amended by section 73 of chapter 27 of the acts of 2009, is hereby further amended by striking out the first paragraph and inserting in place thereof the following paragraph:— A violator may contest responsibility for the infraction by making a signed request for a noncriminal hearing on the back of the citation and mailing such citation, together with a $25 fee, to the registrar at the address indicated on the citation within 20 days of the citation. Such fees shall be transferred by the registrar to the state treasurer for deposit in the General Fund.".

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays at the request of Mr. Peterson of Grafton; and on the roll call 139 members voted in the affirmative and 18 in the negative.

Amendments adopted,—yea and nay No. 367.

[See Yea and Nay No. 367 in Supplement.]

Therefore the amendments were adopted.

The bill (House, No. 4600, amended) then was ordered to a third reading.

At twenty-one minutes before seven o'clock P.M. (Tuesday, April 27), on motion of Mr. Hill of Ipswich (Mr. Mariano of Quincy being in the Chair), the House recessed until half past seven o'clock; and at that time the House was called to order with Mr. Donato of Medford in the Chair.

Recess.

Mr. Peterson of Grafton thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Donato), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call (Mr. Petrolati of Ludlow being in the Chair) 143 members were recorded as being in attendance.

Quorum roll call,—yea and nay No. 368.

[See Yea and Nay No. 368 in Supplement.]

Therefore a quorum was present.

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

Pending the question on passing the bill, as amended, to be engrossed, Ms. Wolf of Cambridge and other members of the House moved to amend it in section 2, in item 9110-1660, by adding the words "; provided, that funds may be expended for Naturally Occurring Retirement Communities". The amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting after section 47 (as printed) the following section:

"SECTION 47A. There shall be a special commission to be referred to as the MassHealth Cost Control Commission to investigate the use of co-payments for MassHealth members with the goal of encouraging the most cost effective use of health care resource. The investigation shall include, but not be limited to, the study of savings that would result from charging a small co-payment for the use of emergency care in non-emergency situations, in order to discourage the inappropriate use of health care resources. Inappropriate use of health care resources may be defined as an instance in which an individual seeks care in an emergency room department but whose medical needs do not warrant in-patient medical care.

The commission shall investigate possible cost-savings for the MassHealth program and any positive and negative deterrent effects a co-payment will have on MassHealth members, in encouraging members to use primary care rather than emergency care in non-emergency situations.

The MassHealth Cost Control Commission shall consist of 9 members. 1 member who shall be a representative of a major hospital within the commonwealth, appointed by the Governor; 1 member who

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shall be an advocate for MassHealth members, appointed by the director of Medicaid; 1 member who shall be an expert in national health care policy, appointed by the Governor; 1 member who shall be a representative of MassHealth, appointed by the director of Medicaid; 1 member who shall be a taxpayer's advocate, appointed by the Governor; 1 member of the senate, appointed by the senate president; 1 member, appointed by the senate minority leader; 1 member of the house of representatives, appointed by the speaker of the house; and 1 member, appointed by the house minority leader.

The Commission shall submit its report and findings, along with any draft of legislation, to the house and senate committees on ways and means, the joint committee on health care financing, and the clerks of the house of representatives and the senate within 90 days of the passage of this act.".

The amendment was adopted.

Suspension of Rule 1A.

The Chair (Mr. Petrolati of Ludlow) 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. 369.

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 128 members voted in the affirmative and 28 in the negative.

[See Yea and Nay No. 369 in Supplement.]

Therefore Rule 1A was suspended.

Mr. Jones of North Reading and other members of the House then moved to amend the bill [A] by inserting after section 21A (inserted by amendment) the following section:

"SECTION 21B. Chapter 118E of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by adding the following new section:—

Section 63. The executive office of health and human services shall discontinue membership in the MassHealth fee-for-service program and primary care clinician plan, and shall begin enrolling all members meeting eligibility requirements as established pursuant to applicable federal and state law and regulation, and for whom the discontinuation would result in cost savings for the MassHealth program, into a Medicaid managed care organization that has contracted with the commonwealth to deliver such managed care services, in accordance with the enrollment and assignment processes for other eligible categories and at the appropriate levels of premium. The office shall submit a report to the joint committee on health care financing and the clerks of the house and the senate by June 30, 2011 detailing which members it has newly enrolled in a Medicaid managed care organization, which members it has maintained in the MassHealth fee-for-service program and primary care clinician plan, and an actuarial justification for those members who have not been transferred to a Medicaid managed care organization.".

Pending the question on adoption of the amendment, Ms. L'Italien of Andover moved to amend it by striking out the text of said amendment [at "A"] and inserting in place thereof the following:— in section 2, in item 4000-0300, by adding the following "; provided further, that a managed care advisory committee shall be convened to study the

impact of restructuring the commonwealth's Medicaid program by moving to a program of all-managed care, provided further that the advisory committee shall consist of the secretary of administration and finance who shall serve as chair, the secretary of health and human services, the commissioner of the division of health care finance and policy, the director of Medicaid, the executive director of the Commonwealth Health Insurance Connector Authority, the chair of the House Committee on Ways and Means, the chair of the Senate Committee on Ways and Means, the chairs of the joint committee on health care financing, one member representing the House minority party, one member representing the Senate minority party, one member representing the Massachusetts Association of Health Plans, one member of the Massachusetts Medical Society who shall be a practicing primary care physician, one member representing the Massachusetts Hospital Association; provided further that the advisory committee shall compare the MCO program and Primary care clinical plan, and determine the overall financial impact that moving to a program of all managed-care will have on the Medicaid budget, including, but not limited to, an estimation of the potential increase or decrease in programmatic costs, the potential for improvements in the quality and continuity of care provided to MassHealth members, the potential for improvements to access to disease management and care coordination programs, the impact on MassHealth special populations, the potential impact on access to behavioral health services, the advantages and disadvantages of providing the full range of services across the continuum of care in an integrated setting, the ability to assure accountability through the reporting of data on quality metrics, and the potential for addressing racial and ethnic disparities; provided further that in conducting this analysis the organization shall use actual and existing Medicaid and managed care data; provided further that the executive office of health and human services shall make any data requested available in a timely manner; provided further that for the purpose of conducting this analysis the executive office of administration and finance, in consultation with the managed care advisory committee and subject to appropriation, shall contract with an independent, outside organization with expertise in fiscal analysis of the Medicaid program and the managed care model within state Medicaid programs by August 2, 2010; provided further that the advisory committee shall file a report of its findings with the clerks of the senate and house of representatives, the house and senate committees on ways and means, and the joint committee on health care financing no later than November 15, 2010".

Further amendment adopted,—yea and nay No. 370.

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays at the request of Mr. Jones of North Reading; and on the roll call 125 members voted in the affirmative and 31 in the negative.

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

Therefore the further amendment was adopted, thus precluding a vote on the pending amendment.

Mr. Cabral of New Bedford then moved to amend the bill in section 30, in the second paragraph, at the end of the first sentence, by striking out the following "; provided, however, that only those persons that are enrolled in the health insurance plan established pursuant

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to section 31 of chapter 65 of the acts of 2009 shall be eligible to enroll in the plan authorized by this section".

The amendment was adopted.

Mr. Donato of Medford being in the Chair,— Mr. Murphy of Burlington and other members of the House moved to amend the bill in section 2, in item 1410-0010, by inserting after the words "Glory 54th Brigade" the following "; provided further, the secretary of veterans' affairs shall submit a report to the joint committee on veterans and federal affairs and the house and senate committees on ways and means not later than December 1, 2010 on the effectiveness and efficiency of creating a program of behavioral health career development for returning veterans under a federal yellow ribbon scholarship entitled 'train vets to treat vets' in conjunction with the Massachusetts School of Professional Psychology";

By striking out item 1410-0012 and inserting in place thereof the following item:

"1410-0012 For services to veterans, including the maintenance and operation of outreach centers; provided further, that the department shall not reduce the amount allocated to a program or its successor in section 2 of chapter 27 of the acts of 2009; provided, however, that funds shall not be expended for the Middleboro Veterans. Outreach Center; provided further, that an amount equal to the amount of funds expended in fiscal year 2010 for the Middleboro Veterans. Outreach Center shall be transferred to the Nathan Hale Foundation of Plymouth; provided further, that the centers shall provide counseling to incarcerated veterans and to Vietnam era veterans and their families who may have been exposed to agent orange; and provided further, that these centers shall provide services to veterans who were discharged after September 11, 2001, and their families ..... $1,738,686";

By striking out item 1410-0250 and inserting in place thereof the following item:

"1410-0250 For veterans' homelessness services; provided, that the department shall not reduce the amount allocated to a program or its successor in section 2 of chapter 27 of the acts of 2009; and provided further the Western Massachusetts Bilingual Veterans Outreach Center shall be the successor to the Springfield Bilingual Veterans Outreach Center at the YMCA ..... $2,083,073";

By inserting after item 4000-0050 the following item:

"4000-0265 For a primary care workforce development and loan forgiveness grant program at community health centers, for the purpose of enhancing recruitment and retention of primary care physicians and other clinicians at community health centers throughout the commonwealth; provided, that the grant shall be administered by the Massachusetts League of Community Health Centers in consultation with the secretary of the executive office of

health and human services and relevant member agencies; provided further, that the funds shall be matched by other public and private funds; and provided further, that the League shall work with the secretary and the agencies to maximize all sources of public and private funds ..... $500,000";

By striking out item 4000-0300 and inserting in place thereof the following item:

"4000-0300 For the operation of the executive office, including the operation of the managed care oversight board; provided, that the executive office shall provide technical and administrative assistance to agencies under the purview of the secretariat receiving federal funds; provided further, that the executive office and its agencies, when contracting for services on the islands of Martha's Vineyard and Nantucket, shall take into consideration the increased costs associated with the provision of goods, services and housing on said islands; provided further, that the executive office shall monitor the expenditures and completion timetables for systems development projects and enhancements undertaken by all agencies under the purview of the secretariat, and shall ensure that all measures are taken to make such systems compatible with one another for enhanced interagency interaction; provided further, that the executive office shall continue to develop and implement the common client identifier; provided further, that the executive office shall ensure that any collaborative assessments for children receiving services from multiple agencies within the secretariat shall be performed within existing resources; provided further, that funds appropriated in this item shall be expended for administrative and contracted services related to the implementation and operation of programs authorized by chapter 118E of the General Laws; provided further, that in consultation with the division of health care finance and policy, no rate increase shall be provided to existing Medicaid provider rates without taking all measures possible under Title XIX of the Social Security Act to ensure that rates of payment to providers do not exceed the rates that are necessary to meet only those costs which must be incurred by efficiently and economically operated providers in order to provide services of adequate quality; provided further, that funds may be expended for the operation of the office of health equity within the executive office of health and human services; provided further, that subject to appropriation, the executive office of health and human services may employ such additional staff or consultants as it may deem necessary; provided further, that the office may prepare an annual health disparities report card with regional disparities

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data, evaluate effectiveness of interventions and replicate successful programs across the commonwealth; provided further, that the office shall work with a disparities reduction program with a focus on supporting efforts by community-based health agencies and community health workers to eliminate racial and ethnic health disparities, including efforts addressing social factors integral to such disparities; provided further, that expenditures for the purposes of each item appropriated for programs authorized by chapter 118E of the General Laws shall be accounted for in the Massachusetts management accounting and reporting system not more than 10 days after the expenditures have been made by the Medicaid management information system; provided further, that no expenditures shall be made that are not federally reimbursable, including those related to Titles XIX or XXI of the Social Security Act or the MassHealth demonstration waiver approved under section 1115(a) of said Social Security Act or the community first section 1115 demonstration waiver, whether made by the executive office or another commonwealth entity, except as specifically authorized herein, or unless made for cost containment efforts, the purposes and amounts of which have been submitted to the executive office of administration and finance and the house and senate committees on ways and means 30 days prior to making such expenditures; provided further, that the executive office of health and human services shall conduct a comprehensive study of trends in all human service programs in the MetroWest Region which shall consist of Ashland, Framingham, Holliston, Hopkinton, Natick, Southborough, Sudbury, Wayland and Westborough, and shall examine all services provided by the commonwealth to evaluate which populations have the greatest need for services, to what degree those populations are served by the programs created as well as by other existing services, and shall develop strategies for serving all underserved segments of the population; provided further, that the study shall also include program density throughout the commonwealth and the fiscal impact of these programs on cities and towns; provided further, that the executive office of health and human services working with the department of public safety shall review program evaluations, certifications and program standards and make recommendations on needed program changes, and the executive office and department shall issue a report to the general court of its study by filing same with the clerks of the house of representatives and senate not later than January 31, 2012; provided further, that the executive office may continue to recover provider overpayments made in the cur-

rent and prior fiscal years through the Medicaid management information system, and that these recoveries shall be considered current fiscal year expenditure refunds; provided further, that the executive office may collect directly from a liable third party any amounts paid to contracted providers under said chapter 118E for which the executive office later discovers another third party is liable if no other course of recoupment is possible; provided further, that no funds shall be expended for the purpose of funding interpretive services directly or indirectly related to a settlement or resolution agreement with the office of civil rights or any other office, group or entity; provided further, that interpretive services currently provided shall not give rise to enforceable legal rights for any party or to an enforceable entitlement to interpretive services; provided further, that notwithstanding any general or special law to the contrary, the executive office shall require the commissioner of mental health to approve any prior authorization or other restriction on medication used to treat mental illness in accordance with written policies, procedures and regulations of the department of mental health; provided further, the secretary of health and human services shall require the director of Mass Health to apply for any grants or demonstration projects relating to Medicaid beginning in fiscal year 2011 pursuant to the Patient Protection and Affordability Act of 2011, P. L. 111-38; provided further, that not later than September 1, 2010, the executive office of health and human services shall submit a report to the house and senate committees on ways and means detailing planned fiscal year 2011 expenditures by the executive office as funded by chargebacks to the 17 executive office cluster agencies; provided further, that any projection of deficiency in item 4000-0430, 4000-0500, 4000-0600, 4000-0700, 4000-0870, 4000-0875, 4000-0880, 4000-0890, 4000-0895, 4000-0950, 4000-0990, 4000-1400 or 4000-1405 shall be reported to the house and senate committees on ways and means not less than 90 days before the projected exhaustion of funding; and provided further, that any unexpended balance in these accounts shall revert to the General Fund on June 30, 2011 ..... $89,511,737";

By striking out item 4000-0600 and inserting in place thereof the following item:

"4000-0600 For health care services provided to MassHealth members who are seniors, and for the operation of the senior care options program under section 9D of chapter 118E of the General Laws; provided, that funds may be expended from this item for health care services provided to these recipients in prior fiscal years; provided further,

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that funds shall be expended for the 'community choices' initiative; provided further, that no payment for special provider costs shall be made from this item without the prior written approval of the secretary of administration and finance; provided further, that benefits for this demonstration project shall not be reduced below the services provided in fiscal year 2010; provided further, that the eligibility requirements for this demonstration project shall not be more restrictive than those established in fiscal year 2010; provided further, that the executive office of health and human services shall submit a report to the house and senate committees on ways and means detailing the projected costs and the number of individuals served by the 'community choices' initiative in fiscal year 2011 delineated by the federal poverty level; provided further that for fiscal year 2011, the division of health care finance and policy shall establish nursing facility MassHealth rates that fully recognize the Medicaid share of the nursing home assessment established by section 25 of chapter 118G of the General Laws, as amended by section 39; provided further, that not more than $35,000,000 shall be expended for the purpose of funding inflationary labor benefits and other costs; provided that not less than $2,800,000 of the nursing home assessment imposed by section 25 of chapter 118G of the General Laws shall be expended as fiscal year 2011 incentive payments to Nursing Facilities meeting the criteria determined by the MassHealth Nursing Facility Pay for Performance (P4P) Program in 114.2 CMR 6.07 and that have established and participated in a cooperative effort in each qualifying Nursing Facility between representatives of employees, including, but not limited to, labor organizations, and management, that is focused on implementing said criteria and improving the quality of services available to MassHealth members; and provided further that the MassHealth Agency shall adopt regulations and procedures necessary to carry out this section; provided further, that notwithstanding any general or special law to the contrary, funds shall be expended from this item for the purpose of maintaining a personal needs allowance of $72.80 per month for individuals residing in nursing homes and rest homes who are eligible for MassHealth, Emergency Aid to the Elderly Disabled and Children program or Supplemental Security Income; provided further, care management under section 3 of chapter 211 of the acts of 2006 shall be implemented through aging and disability resource consortiums, which shall include a combination of 1 or more Aging Services Access Points and Independent Living Centers; provided further, that not less than

$2,500,000 shall be expended from this item to implement the provisions of section 2 of chapter 211 of the acts of 2006, the pre-admission counseling and assessment program, which shall be implemented on a statewide basis through aging and disability resource consortia; provided further, that notwithstanding any general or special law to the contrary, for any nursing home or non-acute chronic disease hospital that provides kosher food to its residents, the department, in consultation with the division, in recognition of the unique special innovative program status granted by the executive office, shall continue to make the standard payment rates established in fiscal year 2006 to reflect the high dietary costs incurred in providing kosher food; provided further, that funds shall be expended for the purpose of a housing with services demonstration project known as the 'Caring Homes' initiative designed to delay or prevent nursing home placement by providing care-giving services to an elder; and provided further, that under said demonstration project, eligible MassHealth enrollees shall be able to live in the home of an individual or relative, with the exception of dependent children, to provide for their long term supports, pursuant to regulations promulgated by said executive office ..... $2,491,416,244";

In item 4100-0060 by striking out the figures "$17,032,228" and inserting in place thereof the figures "$19,032,228";

In item 9110-1455, in lines 25 to 29, inclusive, by striking out the following "; provided further, that the department shall reduced its spending from this line item by the total amount received by it beneficiaries who were granted a one-time rebate pursuant to section 3315 of the Patient Protection and Affordability Act of 2010, P.L. 111-38; provided further, that the department shall reduce its spending by an amount equal to the reduction in costs for brand-name prescription drugs received by its beneficiaries pursuant to section 1860D-14A (a) and (b) of the Patient Protection and Affordability Act of 2010, P.L. 111-38"; and

In item 9110-9002, in line 6, by inserting after the word "secretary" the following "; provided further, that funding shall be expended for provider training and outreach for LGBT elders and caregivers"; and

By adding the following two sections:

"SECTION 53. Notwithstanding any general or special law to the contrary, the office of Medicaid is hereby directed to develop and fund a global payment system for high-risk pediatric asthma patients enrolled in the MassHealth program, designed to prevent unnecessary hospital admissions and emergency room utilization. Consistent with the National Asthma Education and Prevention Program guidelines developed by the National Institutes of Health, the global payments shall be designed to reimburse non-billable expenses necessary to manage pediatric asthma including patient education, environmental assessments, mitigation of asthma triggers and purchase of necessary durable medical equipment. The global payments shall be designed to

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offer a financial return on investment in terms of reduced hospital and emergency room costs not later than 2 years after the effective date of this act. The global payment approach shall be piloted in communities with high rates of uncontrolled childhood asthma. The executive office of health and human services shall consult with the Community Asthma Initiative at Children's Hospital Boston and with other relevant providers in developing the global payments, and shall collaborate with participating entities in evaluating the program. The executive office will report its findings on the cost effectiveness of this program to the joint committee on health care financing, the joint committee on public health and the house and senate committees on ways and means not later than December 31, 2012.

SECTION 54. Notwithstanding any general or special law to the contrary, the executive office of health and human services shall make all reasonable efforts to renegotiate the commonwealth's 1115 waiver to permit passive opt-out enrollment for the senior care options plan as expeditiously as possible.".

After debate the amendments were adopted.

Recess.

Recess.

At four minutes before ten o'clock P.M. (Tuesday, April 27), on motion of Mr. Jones of North Reading (Mr. Donato of Medford being in the Chair), the House recessed until the following day at ten o'clock A.M.; and at that time the House was called to order with Mr. Donato in the Chair.

Wednesday, April 28, 2010 (at 10:00 o'clock A.M.).

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

Prayer.

God, our Creator, we begin a new day and a new legislative session with our minds and hearts focused on You, Your ways and precepts. We look to You for guidance in our common struggle to serve the people and the Commonwealth in these difficult economic and political times. May we be blessed with Your gifts of knowledge and wisdom in our decision-making actions so the common good and society are well-served. In facing a multiplicity of tasks and needs, grant a sense of proportion so that we keep all challenges and expectations of the people in perspective. May we dialogue and work together to develop public policy which continues to recognize the personal dignity of all individuals as well as the civil, human and religious rights of all. Teach us to keep in mind that we are all members of the one human family which is Your family.

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.

Guests of the House.

During the session, Mr. Costello of Newburyport took the Chair for the purpose of introducing members of a delegation from Beijing, China. The delegation included Huang Wei, Deputy Mayor of Beijing; Zhou Zhengyu, Deputy General Secretary of Beijing Municipal Government; Liu Limin, Director General of Beijing Municipal Commission of Education; Hu Dong, Deputy Director General of Beijing Foreign Affairs Office; Song Jianguo, Director of Beijing Traffic Management Bureau; and Jow Jengjew Lee.

Beijing, China,—municipal delegation.

During the session, Ms. Fox of Boston took the Chair for the purpose of introducing members of the Massachusetts Senior Action Coalition. They were the guests of Representative Fox.

Senior Action Coalition.

Resolutions.

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

Resolutions (filed by Mr. Vallee of Franklin) honoring retired Army Colonel Michael F. Matondi in celebration of his ninetieth birthday;

Michael F. Matondi.

Resolutions (filed by Messrs. Calter of Kingston and deMacedo of Plymouth) congratulating Warren Phillips on the occasion of his induction into the National Teachers Hall of Fame;

Warren Phillips.

Resolutions (filed by Mr. deMacedo of Plymouth) congratulating Michael James Foran on receiving the Eagle Award of the Boy Scouts of America;

Michael James Foran.

Resolutions (filed by Mr. Fagan of Taunton) honoring James F. Strojny, Jr.;

James F. Strojny.

Resolutions (filed by Messrs. Fagan of Taunton and Canessa of New Bedford) congratulating Walker School on the occasion of its one hundred fifteenth anniversary; and

Taunton,—Walker School.

Resolutions (filed by Mr. Straus of Mattapoisett) calling upon the Secretary of the Department of Commerce of the United States of America to increase the 2010 annual catch limits for the nineteen fish stocks in the Northeast Multispecies Fishery.

Fishing,—catch limits.

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. Mariano of Quincy, 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.

The House Bill establishing a regional wastewater district for the towns of Mansfield, Foxborough and Norton (House, No. 4307) 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 2349.

Mansfield, Foxborough and Norton,—wastewater.

Under suspension of Rule 35, on motion of Mr. Barrows of Mansfield, 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.

Bills

Dudley,— police.

Amending police appointments in the town of Dudley (Senate, No. 1146) (on a petition) [Local Approval Received]; and

Gloucester,— police chief.

Exempting the position of fire chief in the city of Gloucester from the civil service law (Senate, No. 2102) (on a petition) [Local Approval Received];

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reports of Committees.

Millbury,— unpaid bills.

Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a message from His Excellency the Governor, a Bill authorizing the town of Millbury to pay certain unpaid bills (printed in House, No. 4525). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

Subsequently, under suspension of the rules, on further motion of Mr. Frost, 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.

Engrossed Bills.

Bill enacted.

The engrossed Bill validating certain nomination papers filed in the town of Millville for the 2010 annual election (see House bill printed in House, No. 4583) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

Id.

The engrossed Bill relative to the Brewster board of water commissioners (see House, No. 4279) (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.

Recess.

Recess.

Mrs. Haddad of Somerset being in the Chair,— At twenty-six minutes after one o'clock P.M. (Wednesday, April 28), on motion of Mr. Hill of Ipswich, the House recessed until the hour of two o'clock; and at eighteen minutes after two o'clock the House was called to order with Mr. Donato of Medford in the Chair.

Orders of the Day.

General Appropriation Bill.

The House Bill making appropriations for the fiscal year 2011 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 (House, No. 4600, amended) was considered.

Pending the question on passing the bill, as amended, to be engrossed, Mr. Brady of Brockton and other members of the House moved to amend it by adding the following section:

"SECTION 55. Notwithstanding any general or special law, rule or regulation to the contrary, in the city of Brockton, or in the towns of West Bridgewater, East Bridgewater and Easton, no fossil fuel electric power facilities or facility shall be located in an area which is less than 1 mile in linear distance from a playground, licensed day-care center, school, church, area of critical environmental concern, as determined by the secretary of environmental affairs pursuant to 301 CMR 12.00, or an area occupied by residential housing. Said linear distance shall be measured from the outermost perimeter of such facility to the outermost point of the aforementioned zones; provided, however that any such facility in operation on January 1, 2010, shall not be subject to this act. For the purpose of this section, 'fossil fuel electric power facilities or facility' shall be defined as any electric generating power plant that is fueled in whole or in part, by coal, oil or natural gas.".

After debate the amendment was rejected.

Mr. Petrolati of Ludlow being in the Chair,— Mr. Perry of Sandwich and other members of the House moved to amend the bill by adding the following section:

"SECTION 55. The General Laws, as appearing in the 2006 Official Edition, are hereby amended by inserting after chapter 117A the following new chapter:—

CHAPTER 117B.
Restrictions on Public Benefits.

Section 1. Definitions.

As used in this chapter the following terms shall have the following meanings unless the context clearly requires otherwise:—

'Emergency Medical Condition,' the same meaning as provided in section 1396b (v) (3) of Title 42 of the United States Code.

'Federal Public Benefits,' the same meaning as provided in section 1611 of Title 8 of the United States Code.

'State Public Benefits,' the same meaning as provided in section 1621 of Title 8 of the United States Code.

Section 2. (a) Except as otherwise provided in subsection (3) of this section or where exempted by federal law, on and after January 1, 2011, each agency or political subdivision of the commonwealth shall verify the lawful presence in the United States of every natural person eighteen years of age or older who applies for state public benefits or for federal public benefits which are for the benefit of the applicant.

(b) This section shall be enforced without regard to race, religion, gender, ethnicity, or national origin.

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(c) Verification of lawful presences in the United States shall not be required:

For any purpose for which lawful presence in the United States is not required by law, ordinance, or rule;

For obtaining health care items and services that are necessary for the treatment of an emergency medical condition of the person involved and are not related to an organ transplant procedure;

For short-term, non-cash, in-kind emergency disaster relief;

For public health assistance for immunization with respect to diseases and for testing and treatment of symptoms of communicable diseases;

For programs, services, or assistance, such as soup kitchens, crisis counseling and intervention, and short-term shelter specified by Federal laws or regulations that:

Deliver in-kind services at the community level, including services through public or private nonprofit agencies;

Do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources; and

Are necessary for the protection of life or safety or;

For parental care.

(d) An agency or a political subdivision shall verify the lawful presence in the United States of each applicant eighteen years of age or older for federal public benefits or state public benefits by requiring the applicant to:

(1) Produce:

A valid Massachusetts driver license or a Massachusetts identification card, issued pursuant to section 8 of chapter 90 of the General Laws, and 540 Code of Massachusetts Regulation (CMR) 2.06 (3) (b);

A United States military card or military dependent's identification card; or

A United States Coast Guard Merchant Mariner card; or

A Native American tribal document.

(2) If such documentation as required in subparagraph (1) of subsection (d) of this section cannot be lawfully produced, execute a notarized affidavit stating:

That he or she is a United States citizen or legal permanent resident; or

That he or she is otherwise lawfully present in the United States pursuant to federal law.

(e) Notwithstanding the requirements of subparagraph (1) of subsection (d) of this section, the Commissioner of the Department of Revenue may issue emergency rule, to be effective until July 1, 2010, providing for additional forms of identification or a waiver process to ensure that an individual seeking benefits pursuant to this section proves lawful presence in the United States. This subsection and all emergency rules authorized hereunder shall cease to be effective as of July 1, 2010.

(f) A person who knowingly makes a false, fictitious, or fraudulent statement or representation in an affidavit executed pursuant to subsection (4) of this section shall pay a fine of not less than $1,000 and not more than $5,000, or shall be sentenced to serve not less than 6 months

nor more than 1 year in the House of Corrections. Each time that a person receives a public benefit based upon such a statement or representation they make shall constitute a separate violation of this section.

(g) (1) For an applicant who has executed an affidavit stating that he or she is an alien lawfully present in the United States, verification of lawful presence for federal public benefits or state or local public benefits shall be made through the Federal Systematic Alien Verification for Entitlement program, referred to in this section as the 'SAVE program', operated by the United States Department of Homeland Security. Until such verification of lawful presence is made, the affidavit may be presumed to be proof of lawful presence for purposes of this section.

(2) The secretary of each executive office of the commonwealth shall promulgate regulations to ensure that each agency or political subdivision has access to the SAVE program by way of the executive office under which it is organized. Each executive office shall be responsible for the verification through the SAVE program of all its sub agencies. Each executive office shall enter into a memorandum of understanding or any other requirement pursuant to the SAFE program in order to streamline the verification process. Each executive office shall keep account of all applications submitted through its subdivisions and transfer back to its subdivisions any costs on an annual basis.

(h) Agencies or political subdivisions of the commonwealth may adopt variations of the requirements of paragraph (b) of subsection (4) of this section to improve efficiency or reduce delay in the verification process or to provide for adjudication of unique individuals circumstances in which the verification procedures in the section would impose unusual hardship on a legal resident of the commonwealth; provided, that the variations shall be no less stringent than the requirements of this section, including provisions to timely execute notarized affidavits.

(i) It shall be unlawful for an agency or political subdivision of the commonwealth to provide a federal public benefit or state or local public benefit in violation of this section. Each agency or department that administers a program that provides state of local public benefits shall provide an annual report with respect to its compliance with this section to the auditor and to the House and Senate chairs of the joint committee on state administration and regulatory oversight.

(j) Errors and significant delays by the SAVE program shall be reported to the United States Department of Homeland Security which monitors the SAVE program and its verification application errors and significant delays and report yearly on such errors and delays, to ensure that the application of the SAVE program is not wrongfully denying benefits to legal residents of the State.

Section 3. If any provision of this act or the application thereof to any person or circumstance is held by any court to be unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this act that can be given effect without the invalid provision or application, and to this end the provisions of the section are declared to be severable.".

Pending the question on adoption of the amendment, Mr. Sánchez of Boston moved to amend it by adding the following paragraph:

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"Section 4. Notwithstanding any special or general law to the contrary, the provisions of this chapter shall not take effect until such time as the executive office of health and human services has furnished a study of its impact on the state's economy and revenue cost to the commonwealth, including, but not limited to, a distributional analysis showing the impact on taxpayers of varying income levels, the current practice of other states, any anticipated change in employment and ancillary economic activity to the house and senate committees on ways and means and the joint committee on health care financing and until legislation has been filed and passed pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution.".

Quorum.

Pending the question on adoption of the further amendment, Mr. Jones of North Reading asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum roll call,—yea and nay No. 371.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 154 members were recorded as being in attendance.

[See Yea and Nay No. 371 in Supplement.]

Therefore a quorum was present.

Further amendment adopted,—yea and nay No. 372.

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays at the request of Ms. Forry of Boston; and on the roll call 83 members voted in the affirmative and 75 in the negative.

[See Yea and Nay No. 372 in Supplement.]

Therefore the further amendment was adopted.

Subsequently a statement of Mr. Basile of Boston was spread upon the records, as follows:

Statement of Mr. Basile of Boston.

MR. SPEAKER: I would like to call to the attention of the House the fact that on the previous roll call it was my intention to vote in the negative. However, I now find that, for some inexplicable reason, I was recorded in the affirmative.

The amendment offered by Mr. Perry of Sandwich and other members of the House, as amended, then also was adopted. Mr. Sánchez moved that this vote be reconsidered; and the motion to reconsider was negatived.

Mr. Puppolo of Springfield then moved to amend the bill by adding the following section:

"SECTION 56. Establishing a special Commission to investigate and study the manner in which municipalities and towns of the Commonwealth balance their fiscal year budgets, including the accounting methods utilized by said cities and towns. The Commission shall be appointed by the Governor and shall consist of 10 members as follows: the House and Senate chairmen of the Joint Committee on Municipalities who shall serve as co-chairs of this special commission, the House and Senate chairmen of the Committees on Ways and Means, or their designees, the Speaker of the House of Representatives or his designee, the President of the Senate or her designee, the State Auditor, or his designee, the Commissioner of the Department of Revenue or his designee, a representative of the Executive Office of Administration and Finance, and a representative of the Massachusetts Municipal

Association. The Commission shall report to the General Court the results of its study, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the House of Representatives on or before December 31, 2008.”.

The amendment was rejected.

Mr. Puppolo of Springfield then moved to amend the bill by adding the following section:

“SECTION 56. Any municipality or town within the Commonwealth that is in detrimental financial trouble with its fiscal year budget as determined by but not limited to the Office of Administration and Finance or Department of Revenue which requires any subsequent action taken by the Legislature in the form of a Special Act and/or Special Legislation to assist said municipality or town in relieving or assisting the specific financial situation; shall be required to be under the immediate control of a five member control board of which its members shall be appointed by the Governor as part of the enabling legislation passed by the Legislature.”.

The amendment was rejected.

Mr. Puppolo of Springfield then moved to amend the bill by adding the following section:

“SECTION 56. Notwithstanding the provisions of any general law, rule or regulation to the contrary, the department of revenue shall not certify the tax rate of any municipality or town whose budget is balanced predicated on the collection of outstanding taxes owed that have gone uncollected for the past 5 years or older. No uncollected tax liability shall be allowed to be carried on the books and listed as an asset if the community has not reached a payment plan agreement within 2 years after it is originally delinquent.

The department of revenue shall require communities that submit budgets balanced by the collection of outstanding taxes show progress on such collection of that outstanding liability in one year and each subsequent year the payment plan is in place. The department of revenue shall establish a method in determining what sort of progress communities have undertaken to reduce their outstanding taxes owed before allowing them to be included as an asset on their municipal or town tally sheet.

The department of revenue shall develop and establish an emergency response team (ERT) which will assist communities that have been placed on the DOR’s Watch List to review spending practices and offer assistance in managing financial operations of said community.”.

The amendment was rejected.

Mr. Kocot of Northampton then moved to amend the bill by adding the following new section:

“SECTION 56. All casino and expanded gaming license holder shall assess a twenty dollar per ticket or admission cultural tourism and hospitality industry impact surcharge for all events held in any theatre, convention, assembly or entertainment venue within their licensed location, other than the primary gaming area, holding over three hundred attendees at one time, provided, that all proceeds from said surcharge shall be segregated and distributed as a separate cultural tourism and hospitality local aid line item on the annual .Cherry Sheet.

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municipal receipt distribution, on a per capita basis, to those communities within sixty miles of said license holder's venue that have adopted the local option meals tax increase as of January 1, 2011.".

The amendment was rejected.

Mr. Brownsberger of Belmont then moved to amend the bill by adding the following section:

"SECTION 56. Any federal funds received by the Commonwealth from Section 511 of Title V of the Social Security Act for maternal, infant and early childhood visiting programs shall be administered by state agencies which currently administer maternal, infant and early childhood visiting programs, operate evidence based models, have been in existence for at least three years, and administer healthy families program.".

The amendment was rejected.

Mr. Koutoujian of Waltham then moved to amend the bill by adding the following section:

"SECTION 56. Chapter 94 of the General Laws is amended by adding the following section:

Section 307D. (a) No person shall sell, distribute or offer for sale to consumers any tobacco product or any component part thereof that:

(1) has or produces a distinguishable flavor, taste or aroma (other than tobacco, menthol, wintergreen or mint) that can be readily perceived by a consumer or other person either prior to or during consumption; or

(2) does not have or produce such a distinguishable flavor taste or aroma but is nevertheless labeled, advertised or otherwise marketed as having or producing such a distinguishable flavor, taste or aroma.

(b) A tobacco product shall be deemed to be subject to this section if its labeling or advertising or a publicly disseminated official statement or formal claim by the manufacturer or importer, or by any person authorized or permitted by the manufacturer or importer to make such statements or claims concerning the tobacco product on its behalf, states that the tobacco product has or produces a flavor, taste, or aroma (other than tobacco, menthol, wintergreen or mint) either prior to or during consumption.

(c) A tobacco product shall not be subject to this section solely because it contains certain additives or flavorings or because it has certain additives or flavorings included in any ingredient list.

(e) For the purpose of this section 'tobacco product' includes any product containing tobacco or nicotine that is expected or intended for consumption except for:

(1) any cigarettes subject to the Special Rule for Cigarettes relating to characterizing flavors of the federal Family Smoking and Tobacco Prevention Act;

(2) any product that has been approved by the U.S. Food and Drug Administration, pursuant to its authority over drugs and devices, for sale as a tobacco use cessation product or for other medical purposes and is being marketed and sold solely for that approved purpose.

(f) The prohibitions in subsections (a) and (b) shall not apply to any tobacco product sold in a permanent retail sales outlet that does not admit any person under the age of 18, maintains a valid permit for the retail sale of tobacco products as required to be issued by the appro-

priate authority in the city or town where the establishment is located, is not required to possess a retail food permit and in which the sale of other tobacco products is merely incidental.

(g) The Department may issue regulations or rules as necessary or desired to facilitate the administration or enforcement of this section and promote the purposes of this section and Act.

(h) Nothing in this section shall preempt further limitation of the sale of tobacco products, or smoking, by the commonwealth or any department, agency or political subdivision of the commonwealth.".

The amendment was rejected.

Ms. Malia of Boston then moved to amend the bill in section 2, in item 5046-0000, by adding the following "; provided further, that Program of Assertive Community Treatment (PACT) services provided by the department in fiscal year 2010 shall continue to be provided in fiscal year 2011"; and in item 5046-2000 by adding the words:—services provided shall include community support and emergency psychiatric services".

The amendments were adopted.

Mr. Rush of Boston then moved to amend the bill in section 2 [A] by striking out item 5920-2000 and inserting in place thereof the following two items:

"5920-2000	For vendor-operated, community-based, residential adult services, including intensive individual supports; provided, that funds shall be expended towards compliance with the terms of the Rolland settlement agreement, dated June 16, 2008, Civil Action No. 98-30208-KPN, filed in the United States District Court of Massachusetts in order to provide services for class members; provided further, that annualized funding shall be expended for turning 22 clients who began receiving the services in fiscal year 2009 pursuant to item 5920-5000 of section 2 of chapter 182 of the acts of 2008; provided further, that funds shall be expended to comply with the terms of the Boulet v. Cellucci, 107 F.Supp. 2d 61 (D. MASS. 2000); provided further, that the commissioner of the department of developmental services shall transfer funds from this item to item 5920-2010, as necessary, pursuant to an allocation plan, which shall detail, by object class, the distribution of said funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means 15 days before any such transfer; provided further, that not more than $5,000,000 shall be transferred from this item in fiscal year 2011; and provided further, that the department shall maximize federal reimbursement, whenever possible under federal regulation, for the direct and indirect costs of services provided by the employees funded in this item	$713,875,077;
5920-2010	For state-operated, community-based, residential services for adults, including community-based health services; provided, that the department shall maximize federal reimbursement, whenever	

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possible under federal regulation, for the direct and indirect costs of services provided by the employees funded in this item; and provided further, that funds shall be expended to comply with the terms of the Boulet v. Cellucci settlement agreement; and provided further, that the department shall maximize federal reimbursement, whenever possible under federal regulation, for the direct and indirect costs of services provided by the employees funded in this item ..... $147,876,409".

Pending the question on adoption of the amendment, the same member moved that it be amended by striking out the text of said amendment [at "A"] and inserting in place thereof the following "; in item 5920-2000, in line 9, by inserting after the following '(D.MASS.2000)' the following '; provided further, that the department shall submit to the House and Senate Committees on Ways and Means, a report detailing, if any, the transfer of beds from state-operated to vendor-operated homes on or before December 31, 2010 and again on March 1, 2011'."

The further amendment was adopted, thus precluding a vote on the pending amendment.

Recess.

At one minute after six o'clock P.M. (Wednesday, April 28), on motion of Mr. Peterson of Grafton (Mr. Petrolati of Ludlow being in the Chair), the House recessed until the hour of seven o'clock; and at nine minutes after seven o'clock the House was called to order with Mr. Donato of Medford in the Chair.

Quorum.

Mr. Pedone of Worcester thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Donato), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum roll call,—yea and nay No. 373.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 142 members were recorded as being in attendance.

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

Therefore a quorum was present.

Representatives Gobi of Spencer and Pedone of Worcester then moved to amend the bill in section 2, in item 5930-1000, by adding the following [A] "; and provided further, that the department shall take no action to reduce the client population of any state residential-based facility for the mentally retarded, including intensive individual supports, for the purpose of closing said state institutions, and no steps shall be taken to close said institutions through attrition, layoffs or any other means until a study of any such reduction or closing shall be completed, and the general court shall have approved by law any such reductions or closing; provided further, that the secretary for administration and finance shall conduct said study, which shall examine the costs, benefits and quality of maintaining said institutions and shall identify alternative methods of providing the services currently provided by said institutions, and said secretary shall report in writing the findings and recommendations of said study or studies to the House and Senate Committees on Ways and Means not later than December 1, 2011".

Pending the question on adoption of the amendment, the same members moved to amend it by striking out the proposed new text [at A] and inserting in place thereof the following "; and provided further, that the department shall take no action to reduce the client population of any state residential-based facility for the mentally retarded, including intensive individual supports, for the purpose of closing said state institutions, and no steps shall be taken to close said institutions through attrition, layoffs or any other means until a study of any such reduction or closing shall be completed; and provided further nothing in said language shall preclude an individual from exercising his or her rights to transfer to a community based residential-based facility either state or vendor operated provided further, that the secretary for administration and finance shall conduct said study, which shall examine the costs, benefits and quality of maintaining said residential-based facilities (ICFS/MR state and vendor operated), and said secretary shall report in writing the findings and recommendations of said study or studies to the House and Senate Committees on Ways and Means not later than December 1, 2011".

The further amendment was adopted, thus precluding a vote on the pending amendment.

Mr. Murphy of Burlington and other members of the House then moved to amend the bill in section 2 by striking out item 4403-2000 and inserting in place thereof the following item:

[A]"4403-2000 For a program of transitional aid to families with dependent children; provided, that notwithstanding any general or special law to the contrary, benefits under the program of transitional aid to families with dependent children shall be paid only to citizens of the United States and to non-citizens for whom federal funds may be used to provide benefits; provided further, that notwithstanding any general or special law or any provisions of this act to the contrary, no benefits under this item shall be made available to illegal or undocumented aliens; provided further, that the need standard shall be equal to the standard in effect in fiscal year 2010 unless the department determines that a reduction in the monthly payment standard should be implemented before the end of the fiscal year to keep program expenditures within the amounts appropriated in this item; provided further, that the payment standard shall be equal to the need standard; provided further, that the payment standard for families who do not qualify for an exempt category of assistance under subsection (e) of section 110 of chapter 5 of the acts of 1995, or any successor statute, shall be 2.75 per cent below the otherwise applicable payment standard, in fiscal year 2011, pursuant to the state plan required under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; provided further, that the department shall notify parents under the age of 20 receiving benefits from the program of the requirements found in clause (2) of subsection (i)

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of said section 110 of said chapter 5 of the acts of 1995, or any successor statute; provided further, that a $40 per month rent allowance shall be paid to all households incurring a rent or mortgage expense and not residing in public housing or subsidized housing; provided further, that a non-recurring children's clothing allowance in the amount of $150 shall be provided to each child eligible under this program in September 2010; provided further, that the children's clothing allowance shall be included in the standard of need for the month of September 2010; provided further, that benefits under this program shall not be available to those families in which a child has been removed from the household pursuant to a court order after a care and protection hearing under chapter 119 of the General Laws, nor to adult recipients otherwise eligible for transitional aid to families with dependent children but for the temporary removal of the dependent child or children from the home by the department of children and families in accordance with department procedures; provided further, that notwithstanding section 2 of chapter 118 of the General Laws, or any other general or special law to the contrary, the department shall render aid to pregnant women with no other eligible dependent children only if it has been medically verified that the child is expected to be born within the month the payments are to be made or within the 3 month period after the month of payment, and who, if the child had been born and was living with her in the month of payment would be categorically and financially eligible for transitional aid to families with dependent children benefits; provided further, that certain families that suffer a reduction in benefits due to a loss of earned income and participation in retrospective budgeting may receive a supplemental benefit to compensate them for the loss; provided further, that the department shall review its disability standards to determine the extent to which they reflect the current medical and vocational criteria and report on the proposed revisions by December 1, 2010, to the house and senate committees on ways and means and the joint committee on children, families and persons with disabilities on the results of that review before any changes to the standards are proposed; provided further, that no funds from this item shall be expended by the department for child care or transportation services for the employment and training program; provided further, that no funds from this item shall be expended by the department for family reunification benefits or informal child care; provided further, that the department shall provide oral and written notification to all recipients of their child care benefits at the time of application

and on a semi-annual basis; provided further, that the notification shall include the full range of child care options available, including center-based child care, family-based child care, and in-home relative child care; provided further, that the notification shall detail available child care benefits for current and former recipients, including employment and training benefits and transitional benefits; provided further, that the notice shall further advise recipients of the availability of supplemental nutrition assistance program benefits; provided further, that in promulgating, amending or rescinding its regulations with respect to eligibility for, or levels of benefits under the program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the appropriation; provided further, that notwithstanding any general or special law to the contrary, 90 days before promulgating any eligibility or benefit changes, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the senate and house of representatives a detailed and comprehensive report setting forth the text of, basis, and reasons for the proposed changes; provided further, that in fiscal year 2011, no such determination and report shall be filed prior to December 5, 2010 in order to allow sufficient review of any such proposals by no later than the third Wednesday in November of 2010 or prior to the conclusion of all formal business of the second annual session of the general court no later than the last day of July 2011; and provided further, that the report shall state the department's most accurate assessment of the probable effects of benefit or eligibility changes upon recipient families..... $319,165,900";

By striking out item 4408-1000 and inserting in place thereof the following item:

[B]"4408-1000 For a program of cash assistance to certain residents of the commonwealth, entitled emergency aid to the elderly, disabled and children found by the department to be eligible for the aid under chapter 117A of the General Laws and regulations promulgated by the department and subject to the limitations of appropriation therefore; provided, that benefits under this item shall only be provided to residents who are citizens of the United States or qualified aliens or non-citizens otherwise permanently residing in the United States under color of law and shall not be provided to illegal or undocumented aliens; provided further, that the individual shall not be a subject to sponsor income deeming or related restrictions; provided further, that the payment standard shall equal the payment standard in effect under the general relief program in fiscal year 1991;

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provided further, that the department may provide benefits to persons age 65 or older who have applied for benefits under chapter 118A of the General Laws, to persons suffering from a medically-determinable impairment or combination of impairments which is expected to last for a period as determined by department regulations and which substantially reduces or eliminates such individuals' capacity to support themselves and which has been verified by a competent authority, to certain persons caring for a disabled person, to otherwise eligible participants in the vocational rehabilitation program of the Massachusetts rehabilitation commission and to dependent children who are ineligible for benefits under both chapter 118 of the General Laws and the separate program created by section 210 of chapter 43 of the acts of 1997 and parents or other caretakers of dependent children who are ineligible under said chapter 118 and under said separate program; provided further, that no ex-offender, person over age 45 without a prior work history or person in a residential treatment facility shall be eligible for benefits under this program unless the person otherwise meets the eligibility criteria described in this item and defined by regulations of the department; provided further, that no person incarcerated in a correctional institution shall be eligible for benefits under the program; provided further, that no funds shall be expended from this item for the payment of expenses associated with any medical review team, other disability screening process or costs associated with verifying disability for this program; provided further, that the department shall adopt emergency regulations under chapter 30A of the General Laws to implement the changes to this program required by this item promptly and within the appropriation; provided further, that in initially implementing the program for this fiscal year, the department shall include all eligibility categories permitted in this item at the payment standard in effect for the former general relief program in fiscal year 1991; provided further, that in promulgating, amending or rescinding its regulations with respect to eligibility or benefits, including the payment standard, medical benefits and any other benefits under this program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the amount appropriated in this item; provided further, that the department may promulgate emergency regulations under chapter 30A of the General Laws to implement these eligibility or benefit changes or both; provided further, that nothing in this item shall be construed as creating any right accruing to recipients of the former general relief program; provided

further, that reimbursements collected from the Social Security Administration on behalf of former clients of the emergency aid to the elderly, disabled and children program or unprocessed payments from the program that are returned to the department shall be credited to the General Fund; provided further, that notwithstanding any general or special law to the contrary, the funds made available in this item shall be the only funds available for the program, and the department shall not spend funds for the program in excess of the amount made available in this item; provided further, that, notwithstanding any general or special law to the contrary, 90 days before implementing any eligibility or benefit changes, the commissioner shall file with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for the program will be insufficient to meet projected expenses and a report setting forth the proposed changes; and provided further, that in fiscal year 2011, no such determination and report shall be filed between December 5, 2010 in order to allow sufficient review of any such proposals by no later than the third Wednesday in November of 2010 or prior to the conclusion of all formal business of the second annual session of general court no later than the last day of July 2011..... $84,658,966";

In item 4510-0040, by adding the following "; and provided further, that not less than $150,000 be expended for the Healthcare Industry Grant Corporation to provide career ladder job training for healthcare workers [C]";

In item 4510-0100 by adding the following "; provided further, that not less than $79,000 shall be expended for programs funded in item 4512-0200 in section 2 of chapter 182 of the acts of 2008 assisting with the Haitian earthquake relief efforts" and in said item by striking out the figures "$17,920,655" and inserting in place thereof the figure "$17,999,655";

In item 4512-0200 by adding the following "; and provided further, that programs shall receive the amount of funding in fiscal year 2011 as received in fiscal year 2010";

In item 4512-0500 by adding the following "; and provided further, that funds may be expended for the Forsyth Institute's Center for Children's Oral Health"; in item 4513-1111 by adding the following "; provided further that not less than $100,000 shall be expended for brain aneurysm education, awareness and early detection [D]";

In item 4580-1000, in lines 8 to 15, inclusive, by striking out the following "each health insurance carrier, as defined in chapter 176O of the General Laws, that conducts business in the commonwealth shall contribute to the total amount determined by the department to be sufficient to cover the costs of purchasing and distributing childhood vaccines for children in this item; and provided further, that the division of health care finance and policy, in consultation with the department, shall specify by regulation the method of calculating a proportional

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contribution and procedures for payment of the contribution to the General Fund" and inserting in place thereof the following "the costs of purchasing and distributing childhood vaccines for children in this item may be assessed on surcharge payers under section 38 of chapter 118G of the General Laws and may be collected in a manner consistent with said chapter 118G";

In item 4590-0250 [E] by adding the following "; provided further, that the same percentage of funds shall be expended for school nurse programs as those expended in fiscal year 2010; and provided further that funds may be expended for the Massachusetts Model of Community Coalitions";

In item 4590-0915 by adding the following "; provided further, that the Massachusetts Hospital School shall maintain not less than 75 beds for clients in its inpatient setting";

In item 4590-1506 by adding the following "[F] ; provided further, that funds shall be expended for grants to the Massachusetts Alliance of Boys & Girls Clubs, YMCA and YWCA organizations, nonprofit community centers and youth development programs; and provided further, that the secretary of health and human services shall award the full amount of each grant to each organization upon commitment of matching funds from the organization" and in said item by striking out the figures "$1,500,000" and inserting in place thereof the figures "$3,000,000"; by striking out item 4800-0015 and inserting in place thereof the following item:

"4800-0015 For central and area office administration; provided, that the associated expenses of employees whose AA and DD object class costs are paid from item 4800-1100 shall be paid from this item; provided further, that no funds shall be expended from this item for the compensation of unit 8 employees; provided further, that the department shall not place a child or adolescent referred by, or discharged from, the care of the department of mental health until the latter department forwards an assessment and recommendation as to whether the child or adolescent may be appropriately placed in foster care or, if due to severe emotional disturbance, is more appropriate for group care; provided further, that if placement of a child with someone other than a parent becomes necessary, the department shall place the highest priority on identifying a family resource within the child's kinship or family circle and shall provide services and support to partner with the family resource in meeting the child's needs; provided further, that the department, in consultation with the department of mental health, shall assist the latter department in making such assessments and recommendations; provided further, that unless otherwise authorized, all funds, including federal reimbursements received by the department, shall be credited to the General Fund; provided further, that the department and the department of early education and care shall provide standards forearly education and care placements made through

the supportive child care program; provided further, that the department of children and families, in collaboration with the department of early education and care, shall maintain a centralized list detailing the number of children eligible for supportive child care services, the number of supportive slots filled and the number of supportive slots available; provided further, that notwithstanding any general or special law to the contrary, the department shall not reduce recoupment amounts recommended by the state auditor; provided further, that on or before October 1, 2010, the department shall issue draft revised regulations for public comment which ensure that the department maintains an independent, timely and fair administrative hearings system; provided further, that the department shall submit the final version of these regulations to the joint committee on children, families, and persons with disabilities by December 1, 2010; provided further, that on or before October 1, 2010, the department shall revise its procedures to ensure that newly requested administrative hearings are scheduled and decided on a timely basis; provided further, that the department shall submit a plan for the elimination of its backlog of administrative hearing requests to the joint committee on children, families, and persons with disabilities by October 1, 2010; provided further, that the plan shall identify the number of fair hearing requests that were pending as of July 1, 2010; provided further, that the department shall set quarterly benchmarks for the elimination of the backlog; provided further, that the department shall submit quarterly reports to the joint committee on children, families, and persons with disabilities on the status of the backlog; provided further, that the department shall employ not less than 1 full-time board-certified physician; provided further, that the department shall employ four to five full-time board certified or board eligible child psychiatrists to serve the area offices; provided further, that hiring and supervision shall be done in conjunction with the department of mental health; provided further, that such physicians shall collaborate with the department's social workers; provided further, that not later than February 15 of the current fiscal year, the department shall provide to the house and senate committees on ways and means and the joint committee on children and families a report detailing the number of medical and psychiatric personnel currently employed by or under contract with the department; provided further, that the report shall include the number of foster care reviews conducted by the department and the average length of time in which each review is completed; provided further, that the report shall

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contain the number of the department's contracts reviewed by the state auditor and the number of corrective action plans issued; provided further, that the report shall also include the number of corrective action plans entered into by the department; provided further, that the report shall include the number of social workers and supervisors who have earned a bachelors' or masters' degree in social work; provided further, that the report shall include the total number of social workers and the total number of social workers holding licensure, by level; provided further, that the department shall file a report on the first business day of each month to the senate and house committees on ways and means and the joint committee on children and families on the caseload of the department; provided further, that caseloads provided in this report shall include: residential placements, group care, foster care, therapeutic foster care, adoption, guardianship, 51A reports, substantiated 51A reports, the number of children who die in the care and custody of the department, the number of children currently eligible for supportive child care and the number of children presently receiving supportive child care, and the number of medical and psychiatric consultation requests made by the department's social workers; provided further, that the report shall include the number of approved foster care placements; provided further, that the report shall also include the number of children in psychiatric hospitals and community-based acute treatment programs who remain hospitalized beyond their medically-necessary stay while awaiting placement and the number of days each case remains in placement beyond that which is medically-necessary; provided further, that the report shall include the number of children under the department of children and families care and custody who are being served in medical or psychiatric care provided through other publicly-funded sources; provided further, that the report shall also contain the number of children served by supervised visitation centers and the number of those children who are reunified with their families; provided further, that the report shall contain information on the total number of children served, their ages, the number of children served in each service plan, the number of children in out-of-home placements and the number of placements each child has had before receiving an out-of-home placement; provided further, that the report shall also contain the number of families receiving multiple 51A reports within a 10-month period, the number of cases reopened within 6 months of being closed and the number of children who return home and then re-enter an out-of-home placement within 6 months; provided

further, that the report shall contain, for each area office, the number of kinship guardianship subsidies provided in the month covered by the report, and the number of kinship guardianship subsidies provided in that month for which federal reimbursement was received; provided further, that the report shall contain, for each area office, the total spending on services other than case management services provided to families for the purpose of keeping a child with his family or reunifying the child with his parents, spending by type of service and the unduplicated number of families that receive the services; provided further, that the report shall contain, for each area office, the total number of families in the month residing in shelter paid for by the department, a list of where families are sheltered, the total cost and average cost per family of those shelters and a description of how the department determines who qualifies for shelter; provided further, that the report shall include, for each area office, broken down by type of service, the number of requests for voluntary services, whether the request was approved or denied, the reasons for denying the service, and what, if any, referrals were made for services by other agencies or entities; provided further, that not later than November 2, 2010, the department shall submit a report to the house and senate committees on ways and means and the chairs of the joint committee on children and families that includes any rules, regulations, or guidelines established by the department to carry out its duties pursuant to chapter 119, including, but not limited to (a) criteria used to determine whether a child has been abused or neglected; (b) guidelines for removal of a child from the home; and (c) standards to determine what reasonable efforts are made to keep a child in the home; provided further, that the commissioner of the department of children and families may transfer funds between items 4800-0038, and 4800-0041, as necessary, pursuant to an allocation plan, which shall detail, by object class, the distribution of the funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means 15 days prior to any such transfer; and provided further, that not more than 5 per cent of any item shall be transferred in fiscal year 2011... $65,067,732";

In item 4800-0016 by striking out the figures "$500,000" and inserting in place thereof the figures "$2,000,000";

By striking out item 4800-0038 and inserting in place thereof the following item:

"4800-0038 For guardianship, foster care, adoption, family preservation, and kinship services provided by the department of children and families; provided

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further, that services funded through this item shall include shelter services, substance abuse treatment, young parent programs, parent aides, education and counseling services, foster care, adoption and guardianship subsidies, tiered reimbursements used to promote the foster care placement of children with special medical and social needs, assessment of the appropriateness of adoption for children in the care of the department for more than 12 months, protective services provided by partnership agencies, targeted recruitment and retention of foster families, respite care services, post-adoption services, support services for foster, kinship and adoptive families and juvenile firesetter programs; provided further, that no less than $298,000 be expended for alternative school students aged 14 to 16, inclusive, who are determined to be children in need of services or CHINS; provided further, that funding shall be expended on children's advocacy centers and services for child victims of sexual assault; and provided further, that funds may be expended on programs that received funding in fiscal year 2010 ..... $248,981,594";

By striking out item 5011-0100 and inserting in place thereof the following item:

"5011-0100 For the operation of the department; provided, that no consolidation of area offices shall be implemented prior to the completion of public hearings in each area office locality detailing the nature of the consolidation, the savings generated by the consolidation and the effects of the consolidation on consumers of services provided by the department ..... $27,180,636";

By striking out item 5055-0000 and inserting in place thereof the following item:

"5055-0000 For forensic services provided by the department; provided, that funds may be expended on juvenile court clinics ..... $8,081,928";

By striking out item 5095-0015 and inserting in place thereof the following item:

"5095-0015 For the operation of hospital facilities and community-based mental health services; provided, that in order to comply with the Olmstead decision and to enhance care within available resources to clients served by the department, the department shall take steps to consolidate or close psychiatric hospitals managed by the department and shall endeavor within available resources to discharge clients residing in the inpatient facilities to residential services in the community when the following criteria are met: (a) the client is deemed clinically suited for a more integrated setting; (b) community residential service capacity and

resources available are sufficient to provide each client with an equal or improved level of service; and (c) the cost to the commonwealth of serving the client in the community is less than or equal to the cost of serving the client in inpatient care; provided further, that any client transferred to another inpatient facility as the result of a facility closure shall receive a level of care that is equal to or better than the care that had been received at the closed facility; provided further, that the department may allocate funds in an amount not to exceed $5,000,000 from this item to item 5046-0000, as necessary, under allocation plans submitted to the house and senate committees on ways and means 30 days before any transfer, for residential and day services for clients formerly receiving inpatient care at the centers and facilities; provided further, that the department of mental health shall notify the joint committee on mental health and substance abuse and the house and senate committees on ways and means 60 days prior to the closure of any inpatient state hospital beds; [G] and provided further, that 90 days prior to the closures of the Corrigan Mental Health Center and the Pocasset Mental Health Center the department shall submit to the house and senate committees on ways and means a report detailing the associated cost savings of the closures and asserting that the closure will result in a net cost savings to the commonwealth ..... $133,974,213";

and by striking out item 5911-1003 and inserting in place thereof the following item:

"5911-1003 For the administration and operations of the department of developmental services; provided, that the department shall not charge user fees for transportation or community day services; provided further, that the department shall not charge fees for eligibility determination for services provided by the department or for applications of requests for transfer of guardianship; provided further, that all individuals with a diagnosis of Prader-willi syndrome who do not meet eligibility requirements to receive services provided by the department of developmental services due to definitions provided under 115 CMR 2.01, shall be eligible for such services; provided further, that the department shall provide a report of the number of all applicants with Prader-willi syndrome who do not meet eligibility requirements to receive departmental services due to definitions provided under 115 CMR 2.01 and the associated costs of those services to the house and senate committees on ways and means no later than January 3, 2011; and provided further, that the report shall include the number of individuals with a diagnosis of Prader-willi syndrome

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eligible for services provided by the department under 115 CMR 2.01, detailing the services by type ..... $57,155,673";

and by adding the following four sections:

"SECTION 56. The third paragraph of section 47C of chapter 175 of the General Laws, amended by section 83 of chapter 27 of the acts of 2009, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:— Reimbursement of costs for such services shall be part of a basic benefits package offered by the insurer or a third party and shall not require co-payments or deductibles.

SECTION 57. The third paragraph of section 8B of chapter 176A of the General Laws, amended by section 84 of said chapter 27, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:— Reimbursement of costs for such services shall be part of a basic benefits package offered by the insurer or a third party and shall not require co-payments or deductibles.

SECTION 58. The third paragraph of section 4C of chapter 176B of the General Laws, as amended by section 85 of said chapter 27, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:— Reimbursement of costs for such services shall be part of a basic benefits package offered by the insurer or a third party and shall not require co-payments or deductibles.

SECTION 59. The second paragraph of section 4 of chapter 176G of the General Laws, as amended by section 86 of said chapter 27, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:— Reimbursement of costs for such services shall be part of a basic benefits package offered by the insurer or a third party and shall not require co-payments or deductibles.".

Pending the question on adoption of the amendments, Mr. Sullivan of Fall River moved to amendment them [at "G"] by striking out the following "and provided further, that 90 days prior to the closures of the Corrigan Mental Health Center and the Pocasset Mental Health Center the department shall submit to the house and senate committees on ways and means a report detailing the associated cost savings of the closures and asserting that the closure will result in a net cost savings to the commonwealth" and inserting in place thereof the following "and provided further, that 90 days prior to any consolidation or closure the department shall submit to the house and senate committees on ways and means a report detailing any associated cost savings of such consolidation or closure and asserting that the consolidation or closure will result in a net cost savings to the commonwealth".

After remarks the further amendment was adopted.

Mr. Murphy of Burlington then moved to amend the amendments by striking out [at "A"] proposed item 4403-2000 and inserting in place thereof the following item:

"4403-2000 For a program of transitional aid to families with dependent children; provided, that notwithstanding any general or special law to the contrary, benefits under the program of transitional

aid to families with dependent children shall be paid only to citizens of the United States and to non-citizens for whom federal funds may be used to provide benefits; provided further, that the need standard shall be equal to the standard in effect in fiscal year 2010 unless the department determines that a reduction in the monthly payment standard should be implemented before the end of the fiscal year to keep program expenditures within the amounts appropriated in this item; provided further, that the payment standard shall be equal to the need standard; provided further, that the payment standard for families who do not qualify for an exempt category of assistance under subsection (e) of section 110 of chapter 5 of the acts of 1995, or any successor statute, shall be 2.75 per cent below the otherwise applicable payment standard, in fiscal year 2011, pursuant to the state plan required under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; provided further, that the department shall notify parents under the age of 20 receiving benefits from the program of the requirements found in clause (2) of subsection (i) of said section 110 of said chapter 5 of the acts of 1995, or any successor statute; provided further, that a $40 per month rent allowance shall be paid to all households incurring a rent or mortgage expense and not residing in public housing or subsidized housing; provided further, that a non-recurring children's clothing allowance in the amount of $150 shall be provided to each child eligible under this program in September 2010; provided further, that the children's clothing allowance shall be included in the standard of need for the month of September 2010; provided further, that benefits under this program shall not be available to those families in which a child has been removed from the household pursuant to a court order after a care and protection hearing under chapter 119 of the General Laws, nor to adult recipients otherwise eligible for transitional aid to families with dependent children but for the temporary removal of the dependent child or children from the home by the department of children and families in accordance with department procedures; provided further, that notwithstanding section 2 of chapter 118 of the General Laws, or any other general or special law to the contrary, the department shall render aid to pregnant women with no other eligible dependent children only if it has been medically verified that the child is expected to be born within the month the payments are to be made or within the 3 month period after the month of payment, and who, if the child had been born and was living with her in the month of payment would be categorically and financially eligible for transitional aid to

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families with dependent children benefits; provided further, that certain families that suffer a reduction in benefits due to a loss of earned income and participation in retrospective budgeting may receive a supplemental benefit to compensate them for the loss; provided further, that the department shall review its disability standards to determine the extent to which they reflect the current medical and vocational criteria and report on the proposed revisions by December 1, 2010, to the house and senate committees on ways and means and the joint committee on children, families and persons with disabilities on the results of that review before any changes to the standards are proposed; provided further, that no funds from this item shall be expended by the department for child care or transportation services for the employment and training program; provided further, that no funds from this item shall be expended by the department for family reunification benefits or informal child care; provided further, that the department shall provide oral and written notification to all recipients of their child care benefits at the time of application and on a semi-annual basis; provided further, that the notification shall include the full range of child care options available, including center-based child care, family-based child care, and in-home relative child care; provided further, that the notification shall detail available child care benefits for current and former recipients, including employment and training benefits and transitional benefits; provided further, that the notice shall further advise recipients of the availability of supplemental nutrition assistance program benefits; provided further, that in promulgating, amending or rescinding its regulations with respect to eligibility for, or levels of benefits under the program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the appropriation; provided further, that notwithstanding any general or special law to the contrary, 90 days before promulgating any eligibility or benefit changes, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the senate and house of representatives a detailed and comprehensive report setting forth the text of, basis, and reasons for the proposed changes; provided further, that in fiscal year 2011, no such determination and report shall be filed prior to December 5, 2010 in order to allow sufficient review of any such proposals by no later than the third Wednesday in November of 2011 or prior to the conclusion of all formal business of the second annual session of the general court no later than the last day of July 2012; and provided further, that the report shall state the

department's most accurate assessment of the probable effects of benefit or eligibility changes upon recipient families ..... $319,165,900";

By striking out [at "B"] proposed item 4408-1000 and inserting the following item:

"4408-1000 For a program of cash assistance to certain residents of the commonwealth, entitled emergency aid to the elderly, disabled and children found by the department to be eligible for the aid under chapter 117A of the General Laws and regulations promulgated by the department and subject to the limitations of appropriation therefore; provided, that benefits under this item shall only be provided to residents who are citizens of the United States or qualified aliens or non-citizens otherwise permanently residing in the United States under color of law; provided further, that the individual shall not be a subject to sponsor income deeming or related restrictions; provided further, that the payment standard shall equal the payment standard in effect under the general relief program in fiscal year 1991; provided further, that the department may provide benefits to persons age 65 or older who have applied for benefits under chapter 118A of the General Laws, to persons suffering from a medically-determinable impairment or combination of impairments which is expected to last for a period as determined by department regulations and which substantially reduces or eliminates such individuals. capacity to support themselves and which has been verified by a competent authority, to certain persons caring for a disabled person, to otherwise eligible participants in the vocational rehabilitation program of the Massachusetts rehabilitation commission and to dependent children who are ineligible for benefits under both chapter 118 of the General Laws and the separate program created by section 210 of chapter 43 of the acts of 1997 and parents or other caretakers of dependent children who are ineligible under said chapter 118 and under said separate program; provided further, that no ex-offender, person over age 45 without a prior work history or person in a residential treatment facility shall be eligible for benefits under this program unless the person otherwise meets the eligibility criteria described in this item and defined by regulations of the department; provided further, that no person incarcerated in a correctional institution shall be eligible for benefits under the program; provided further, that no funds shall be expended from this item for the payment of expenses associated with any medical review team, other disability screening process or costs associated with verifying disability for this program; provided further, that the department shall adopt emergency

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regulations under chapter 30A of the General Laws to implement the changes to this program required by this item promptly and within the appropriation; provided further, that in initially implementing the program for this fiscal year, the department shall include all eligibility categories permitted in this item at the payment standard in effect for the former general relief program in fiscal year 1991; provided further, that in promulgating, amending or rescinding its regulations with respect to eligibility or benefits, including the payment standard, medical benefits and any other benefits under this program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the amount appropriated in this item; provided further, that the department may promulgate emergency regulations under chapter 30A of the General Laws to implement these eligibility or benefit changes or both; provided further, that nothing in this item shall be construed as creating any right accruing to recipients of the former general relief program; provided further, that reimbursements collected from the Social Security Administration on behalf of former clients of the emergency aid to the elderly, disabled and children program or unprocessed payments from the program that are returned to the department shall be credited to the General Fund; provided further, that notwithstanding any general or special law to the contrary, the funds made available in this item shall be the only funds available for the program, and the department shall not spend funds for the program in excess of the amount made available in this item; provided further, that, notwithstanding any general or special law to the contrary, 90 days before implementing any eligibility or benefit changes, the commissioner shall file with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for the program will be insufficient to meet projected expenses and a report setting forth the proposed changes; and provided further, that in fiscal year 2011, no such determination and report shall be filed before December 5, 2010 in order to allow sufficient review of any such proposals by no later than the third Wednesday in November of 2011 or prior to the conclusion of all formal business of the second annual session of general court no later than the last day of July 2012 ..... $84,658,966";

At the end of the text proposed to be added to item 4510-0040, after the word "workers" [at "C"] by adding the following "; and in said item striking out the figures '$421,493' and inserting in place thereof the figures '$571,493' ";

At the end of the text proposed to be added to item 4513-1111, after the word "detection" [at "D"] by adding the following "; and in said item striking the figures '$6,124,484' and inserting in place thereof the figures '$6,224,484' ";

By striking out [at "E"] the following "by adding the following" and inserting in place thereof the following "; in line 15, by striking out the words 'department of education' and inserting after the word 'with' the following 'department of elementary and secondary education; and provided further, that funding shall be expended to address the recommendations of the commission on gay, lesbian, bisexual and transgender youth, established in section 67 of chapter 3 of the General Laws, for the reduction of health disparities for gay, lesbian bisexual and transgendered youth, and by adding at the end of said item the following' "; and

By striking out [at "F"] the following "provided further, that funds shall be expended for grants to the Massachusetts Alliance of Boys & Girls Clubs, YMCA and YWCA organizations, nonprofit community centers and youth development programs; and provided further, that the secretary of health and human services shall award the full amount of each grant to each organization upon commitment of matching funds from the organization" and inserting in place thereof the following "provided further that funds shall be expended for grants to the Massachusetts Alliance of Boys & Girls Clubs, and the Alliance of Massachusetts YMCAs and YWCA organizations, nonprofit community centers and youth development programs; and provided further, that the department of public health shall award the full amount of each grant to each organization previously included in the youth-at-risk grants, including the Massachusetts Alliance of Boys & Girls Clubs, the Alliance of YMCAs and YWCAs organizations, nonprofit community centers and youth development programs, upon commitment of matching funds from such organizations".

The further amendments were adopted.

Amendments adopted,— yea and nay No. 374.

After debate on the question on adoption of the amendments offered by Mr. Murphy of Burlington, et als, as amended, the sense of the House was taken by yeas and nays at the request of Mr. Jones of North Reading; and on the roll call 140 members voted in the affirmative and 18 in the negative.

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

[Mr. Guyer of Dalton answered "Present" in response to his name.]

Therefore the amendments, as amendment, were adopted.

Suspension of Rule 1A.

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

Rule 1A suspended, ,— yea and nay No. 375.

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 133 members voted in the affirmative and 26 in the negative.

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

Therefore Rule 1A was suspended.

Mr. Kaufman of Lexington and other members of the House then moved to amend the bill [A] in section 5, in line 20, after the word "subgrants"; by inserting the words "tax credits".

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Pending the question on adoption of the amendment, Mr. Kaufman moved to amend it by striking out the text of said amendment [at "A"] and inserting in place thereof the following "by striking out section 5 and inserting in place thereof the following section:—

SECTION 5. Chapter 7 of the General Laws is hereby amended by inserting after section 11 the following section:—

Section 14C. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:—

'Agency'; a commonwealth authority, board, bureau, commission, department, division, executive office, institution, institution of higher education, the secretary of state, the attorney general, the state treasurer, the state auditor, the administrative office of the trial courts, trial court departments, the supreme judicial court, the appeals court, the governor's office, lieutenant governor's office, the governor's council, the house of representatives and the senate.

'Funding source'; the agency and account from where the expenditure is appropriated.

'Recipient'; a business corporation, partnership, firm, unincorporated association or other legal business entity engaged in economic activity within the commonwealth, and any affiliate thereof, which is, or the members of which are, subject to taxation under chapter 62, 63, 64H or 64I. For the purposes of this section, recipient shall include an original grantee or an original contractor of a state award or a political subdivision. A recipient shall not include an individual recipient of state or federal assistance.

'Searchable website'; a website that allows the public at no cost to search for, obtain and aggregate the information identified in subsection (b).

'Secretary'; the secretary of administration and finance.

'State award' or 'award'; appropriations, expenditures, grants, subgrants, loans, purchase orders, infrastructure assistance and other forms of financial assistance.

(b) The secretary shall develop and operate a searchable website accessible by the public at no cost that includes:

(1) the name and location of a recipient or agency receiving a state award, the funding source of each award, the date of the award, the amount of funds appropriated and a brief description of the purpose of the award;

(2) local aid to cities and towns including amounts paid to individual municipal agencies;

(3) annual revenues, as determined by the secretary which shall include, but shall not be limited to:

(i) receipts or deposits by an agency into funds established within the state treasury;

(ii) agency earnings including, but not limited to, amounts collected by each agency for services performed and licenses and permits issued;

(iii) compensation for the purchase or lease of state-owned property and interest collected from state-issued loans; and

(iv) federal grants;

(4) a link to all state audits and reports relating to the receipt of state awards by an agency or recipient, including an audit or report issued by the inspector general, state auditor, special commission, legislative committee or executive body;

(5) the reports required by section 88 of chapter 62C; and

(6) any other relevant information specified by the secretary.

(c) The searchable website shall allow users to search electronically by field in a single search, aggregate the data, download information yielded by a search and, where possible, contain graphical representations of the data and a hyperlink to the actual grants issued.

(d) The searchable website shall include and retain information for each fiscal year for not less than 10 fiscal years.

(e) The secretary shall update the searchable website as new data becomes available. All agencies shall provide to the secretary all data that is required to be included in the searchable website not later than 30 days after the data becomes available to the agency. The secretary shall provide guidance to agency heads to ensure compliance with this section.

(f) This section shall not be construed to require the disclosure of: (i) information that is confidential under state or federal law; (ii) payments received by an individual or entity as interest paid by the issuer of any bonds or other public debt.

(g) The secretary shall not be considered in compliance with this section if the data required for the searchable website is not available in a searchable and aggregate manner or if the public is redirected by the searchable website to other government websites, unless each of those websites complies with the requirements of this section.".

Further amendment adopted,— yea and nay No. 376.

After remarks on the question on adoption of the further amendment offered by Mr. Kaufman of Lexington, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 157 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 376 in Supplement.]

Therefore the further amendment was adopted, thus precluding a vote on the pending amendment.

Mr. Kaufman and other members of the House then moved to amend the bill by [A] inserting after section 11 the following section:

"SECTION 11A. (A) Section 1 of chapter 62C of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting before the definition of 'Building contractor' the following definition:—

'Administering agency head', the agency head responsible for administering the applicable state tax credit program. For the brownfields tax credit and the film tax credit the administering agency head is the department of revenue. For the medical device tax credit, the administering agency head is the Massachusetts life sciences center.

(B) Said section 1 of chapter 62C, as so appearing, is hereby further amended by 'Secretary', the secretary of administration and finance.

(C) Said section 1 of chapter 62C, as so appearing, is hereby further amended by inserting after the definition of 'Show' the following definition:—

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'Tax credit program', one of the following credits against the state income tax to stimulate economic development and other policy goals: the brownfields tax credit in section 38Q of chapter 63 and subsection (j) of section 6 of chapter 62; the dairy farmer tax credit in section 38Z of chapter 63 and subsection (o) of section 6 of chapter 62; the FDA user fees credit in section 31M of chapter 63 and subsection (n) of section 6 of chapter 62; the film tax credit in subsection (b) of section 38X of chapter 63 and subsection (l) of section 6 of chapter 62; the historic rehabilitation tax credit in section 38R of chapter 63 and section 6J of chapter 62; the life sciences investment tax credit in section 38U of chapter 63 and subsection (m) of section 6 of chapter 62; the low-income housing tax credit in section 31H of chapter 63 and section 6I of chapter 62; the medical device tax credit in section 31L of chapter 63 and section 6½ of chapter 62; the refundable research credit in subsection (j) of section 38M of chapter 63; and the economic development incentive program in section 6 subsection (g) of chapter 62 and section 38N of chapter 63; and any refundable credits under chapter 62 and 63 established after January 1, 2011.

(D) Said chapter 62C is hereby further amended by adding the following section:—

Section 88. (a)(1) On or before May 15 each year, the administering agency head of each tax credit program shall submit a report to the commissioner on each tax credit program authorized for the previous calendar year only, in this section called the report, which shall be a public record. For purposes of this report no information will be used pertaining to credits, exemptions, or deductions awarded or claimed prior to January 1, 2011.

(2) The report shall contain the following information: (i) the identity of each taxpayer authorized by the administering agency head to receive a tax credit; (ii) the amount of tax credit award and issued tax credit for each taxpayer and each project, if applicable; (iii) the date of the tax credit award or issued tax credit for each taxpayer and each project; and (iv) additional data and criteria that the secretary determines to be relevant for analyzing the effectiveness of that tax credit program.

(b)(1) On or before February 15 of every year, each taxpayer receiving an authorized tax credit from the administering agency head in the previous calendar year shall submit data and analysis reasonably determined by the Secretary to be relevant to analyzing the effectiveness of the tax credit program.

(2) On or before May 15 of each year, or by another date that the secretary determines to be practicable, the administering agency head shall submit to the commissioner, in a form prescribed by the commissioner, copies of any data and analysis required by paragraph (1), with the report required by subsection (a). The commissioner shall provide this information on a government internet website for public disclosure.

(E) The commissioner shall provide this information on the searchable website created in Section 5 of this bill.

(F) This section shall take effect on January 1, 2011.".

Pending the question on adoption of the amendment, Mr. Kaufman moved to amend it by striking out the text of said amendment [at "A"]

and inserting in place thereof the following "adding the following five sections:—

SECTION 60. Section 1 of chapter 62C of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting before the definition of 'Building contractor' the following 2 definitions:—

'Administering agency head', the agency head responsible for administering the applicable state tax credit program. For the brownfields tax credit and the film tax credit the administering agency head is the commissioner. For the medical device tax credit, the administering agency head is the Massachusetts life sciences center.

'Authorized tax credit', a tax credit granted pursuant to a tax credit program.

SECTION 61. Said section 1 of said chapter 62C, as so appearing, is hereby further amended by inserting after the definition of 'Promoter' the following definition:—

'Secretary', the secretary of administration and finance.

SECTION 62. Said section 1 of chapter 62C, as so appearing, is hereby further amended by inserting after the definition of 'Show' the following definition:—

"Tax credit program", 1 of the following credits against the state income tax to stimulate economic development and other policy goals: the brownfields tax credit in section 38Q of chapter 63 and subsection (j) of section 6 of chapter 62; the dairy farmer tax credit in section 38Z of chapter 63 and subsection (o) of section 6 of chapter 62; the FDA user fees credit in section 31M of chapter 63 and subsection (n) of section 6 of chapter 62; the film tax credit in subsection (b) of section 38X of chapter 63 and subsection (l) of section 6 of chapter 62; the historic rehabilitation tax credit in section 38R of chapter 63 and section 6J of chapter 62; the life sciences investment tax credit in section 38U of chapter 63 and subsection (m) of section 6 of chapter 62; the low-income housing tax credit in section 31H of chapter 63 and section 6I of chapter 62; the medical device tax credit in section 31L of chapter 63 and section 6½ of chapter 62; the refundable research credit in subsection (j) of section 38M of chapter 63; and the economic development incentive program in section 6 subsection (g) of chapter 62 and section 38N of chapter 63; and any refundable credits under chapter 62 and 63 established after January 1, 2011.

SECTION 63. Said chapter 62C is hereby further amended by adding the following section:—

Section 88. (a)(1) Annually on or before May 15, the administering agency head of each tax credit program shall submit a report to the commissioner on each tax credit program authorized for the previous calendar year, in this section called the report, which shall be a public record. For purposes of this report no information shall be used pertaining to credits, exemptions or deductions awarded or claimed prior to January 1, 2011.

(2) The report shall contain the following information: (i) the identity of each taxpayer receiving an authorized tax credit and from which tax credit program the credit was received; (ii) the amount of the authorized tax credit awarded and issued for each taxpayer and each project, if applicable; and (iii) the date that the authorized tax credit is awarded and issued for each taxpayer and each project.

SECTION 64. Sections 60 to 63, inclusive, shall take effect on January 1, 2011.".

Further amendment adopted,—yea and nay No. 377.

After remarks on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 130 members voted in the affirmative and 27 in the negative.

[See Yea and Nay No. 377 in Supplement.]

Therefore the further amendment was adopted, thus precluding a vote on the pending amendment.

Messrs. Straus of Mattapoisett and Peterson of Grafton then moved to amend the bill in section 2, in item 2310-0200, by striking out the figures "$9,006,199" and inserting in place thereof the figures "$9,506,199".

Amendment adopted,—yea and nay No. 378.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Straus; and on the roll call 157 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 378 in Supplement.]

Therefore the amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting after section 11 the following six sections:

"SECTION 11A. Section 5 of chapter 32 of the General Laws, as most recently amended by chapter 21 of the Acts of 2009, is hereby further amended by inserting at the end thereof the following subdivision:

(5) Payments to a member retired under the provisions of this section who is incarcerated for having been convicted of a felony committed on or after the effective date of this paragraph shall cease for the period of such member's incarceration. Under no circumstances shall such payments be recoverable by such member after such period of incarceration.

SECTION 11B. Section 10 of chapter 32 of the General Laws, as most recently amended by chapter 21 of the Acts of 2009, is hereby further amended by inserting at the end thereof the following subdivision:

(5) Payments to a member retired under the provisions of this section who is incarcerated for having been convicted of a felony committed on or after the effective date of this paragraph shall cease for the period of such member's incarceration. Under no circumstances shall such payments be recoverable by such member after such period of incarceration.

SECTION 11C. Section 26 of chapter 32 of the General Laws as appearing in the 2008 Official Edition, is hereby amended by inserting at the end thereof the following subdivision:

(6) Payments to a member retired under the provisions of this section who is incarcerated for having been convicted of a felony committed on or after the effective date of this paragraph shall cease for the period of such member's incarceration. Under no circumstances shall such payments be recoverable by such member after such period of incarceration.

SECTION 11D. Section 28M of chapter 32 of the General Laws, as so appearing, is hereby amended by inserting at the end thereof the following paragraph:

Payments to a member retired under the provisions of this section who is incarcerated for having been convicted of a felony committed on or after the effective date of this paragraph shall cease for the period of such member's incarceration. Under no circumstances shall such payments be recoverable by such member after such period of incarceration.

SECTION 11E. Section 28N of chapter 32 of the General Laws, as so appearing, is hereby amended by inserting at the end thereof the following paragraph:

Payments to a member retired under the provisions of this section who is incarcerated for having been convicted of a felony committed on or after the effective date of this paragraph shall cease for the period of such member's incarceration. Under no circumstances shall such payments be recoverable by such member after such period of incarceration.

SECTION 11F. Chapter 32 of the General Laws, as so appearing, is hereby amended by inserting after section 65J the following section:

Section 65K. Payments to a member retired under the provisions of sections 65A to 65J, inclusive, who is incarcerated for having been convicted of a felony committed on or after the effective date of this paragraph shall cease for the period of such member's incarceration. Under no circumstances shall such payments be recoverable by such member after such period of incarceration.".

The amendment was adopted.

Mr. Jones and other members of the House then moved to amend the bill by inserting after section 47A (inserted by amendment) the following section:

"SECTION 47B. Notwithstanding any general or special law to the contrary, there shall be a special commission to investigate and study the expenditure of funds received through the American Reinvestment and Recovery Act. The commission shall specifically investigate the possibility that said funds have been spent on or through non-domestic entities, including, but not limited to, the purchase of raw materials, contracting of labor or any transaction of business with companies located, based or incorporated in a foreign country. The commission shall consist of 11 members, as follows: the chairs of the joint committee on federal stimulus oversight, who shall chair the commission; 1 designee appointed by the governor; the house chair of ways and means, or his designee; the senate chair of ways and means, or his designee; the secretary of administration and finance, or his designee; the attorney general, or his designee; the treasurer of the commonwealth, or his designee; the auditor of the commonwealth, or his designee; the comptroller of the commonwealth, or his designee; the minority leader of the senate, or his designee; the minority leader of the house of representatives, or his designee. The commission shall report its findings and recommendations to the clerk of the senate, the clerk of the house of representatives, the house minority leader and the senate minority leader no later than January 30th, 2011.".

Amendment adopted,— yea and nay No. 379.

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Hill of Ipswich; and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 379 in Supplement.]

Therefore the amendment was adopted.

Subsequently a statement of Ms. Walz of Boston was spread upon the records, as follows:

Statement of Ms. Walz of Boston.

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber during the previous roll call due to working on the education consolidated amendment in another part of the State House. Had I been present, I would have voted in the affirmative.

Mr. Murphy of Burlington and other members of the House then moved to amend the bill in section 2, in item 0810-0338, in lines 4 and 5, and also in item 0810-0399, in lines 4 and 5, by striking out, in each instance, the words "and the associated fringe benefits costs for personnel paid from this item";

In item 2310-0316 by striking out the figures "$500,000" and inserting in place thereof the figures "$1,000,000";

In item 2511-0100, by adding the following "; provided further, that funds may be expended for the statewide 4-H program"; and

In item 2800-0101, by adding the following "; provided further, that the department shall continue to make payments pursuant to chapter 616 of the acts of 1957, as amended by section 89 of chapter 801 of the acts of 1963; and provided further, that the department shall continue to make payments pursuant to chapter 307 of the acts of 1987 for the use of certain land";

In section 2E by striking out item 1595-6368 and inserting in place thereof the following item:

"1595-6368	To provide for an operating transfer to the Massachusetts Transportation Trust Fund, established under section 4 of chapter 6C of the General Laws; provided, that the road known as Paul X. Tivnan Drive, located in the towns of Boylston and West Boylston, be placed under the authority of the Massachusetts Department of Transportation for all Maintenance	$200,126,756";

In section 47, in line 413, by inserting after the words "president of the senate" the following "; 1 member of the house of representatives appointed by the house minority leader; 1 member of the senate appointed by the senate minority leader"; and

By adding the following three sections:

"SECTION 65. Subsection (a) of section 7 of chapter 236 of the acts of 1988 is hereby amended by adding at the end of the fourth sentence the following:— ; provided, however, that any monies or interest thereon received by the Trust Fund pursuant to section 287 of chapter 110 of the acts of 1993 shall be subject to appropriation.

SECTION 66. Section 23 of chapter 21 of the acts of 2009 is hereby amended by adding the following 2 sentences:— The retirement allowance of any retired member which included in the calculation of such allowance amounts paid as clothing allowance upon which contribu-

tions were made shall not be reduced, modified or changed because of the inclusion of such clothing allowance payments. Notwithstanding any special or general law to the contrary, any amount paid to an active member for clothing allowance upon which contributions were made and included in any applicable collective bargaining agreement or individual contract for employment in effect on May 1, 2009, shall continue to be included in the definition of 'regular compensation' during the term of that collective bargaining agreement or contract; provided, however, that any such amount, benefit or payment received after June 30, 2012 shall not be considered regular compensation.

SECTION 67. Notwithstanding any general or special law to the contrary, not less than 10 days after the effective date of this act, the comptroller shall transfer $2,000,000 from the General Fund to the District Local Technical Assistance Fund, established in section 2XXX of chapter 29 of the General Laws.".

The amendments were adopted.

Recess.

At twenty-eight minutes after ten o'clock P.M. (Wednesday, April 28), on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House recessed until the following day at ten o'clock A.M.; and at that time the House was called to order with Mr. Donato in the Chair. Recess.

Thursday, April 29, 2010 (at 10:00 o'clock A.M.).

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

Eternal God, Lord of Creation, we turn our thoughts and affections to You in humble and thoughtful prayer. We look to You for assistance and guidance as we grapple with the economic and public policy issues which are before us this week. In Your goodness, help us to make decisions and choices which are right, fair and appropriate for the unusual times and circumstances. At the same time, teach us to be grateful for all blessings as citizens of this country, mindful of our responsibilities and open to You and Your spiritual ways for daily living. Inspire us to work together in strengthening our confidence and trust in You, each other and in our basic traditional institutions. Grant us patience and fair-mindedness in dealing with people and sensitive policy issues. May we continue to build our country and society on the principles of truth, justice, civility and integrity. Prayer.

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

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

Resolutions.

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

Consul's Ball.

Resolutions (filed by Mr. Flynn of Bridgewater) recognizing the United Nations Association of Greater Boston on the occasion of the Consul's Ball; and

Railroad Street Youth Project.

Resolutions (filed by Mr. Pignatelli of Lenox) celebrating the tenth anniversary of the Railroad Street Youth Project;

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. Pignatelli, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

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

James Case.

Resolutions (filed by Mrs. Poirier of North Attleborough) congratulating James Case on receiving the Eagle Scout Award of the Boy Scouts of America;

Paul Follett.

Resolutions (filed by Mrs. Poirier of North Attleborough) congratulating Paul Follett on the occasion of his being honored at a District 9 testimonial;

Joel Sitte.

Resolutions (filed by Representatives Poirier of North Attleborough, Barrows of Mansfield and D'Amico of Seekonk) congratulating Joel Sitte on receiving the Eagle Scout Award of the Boy Scouts of America;

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 Mrs. Poirier, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

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

Neil Maynard Horton, Jr.

Resolutions (filed by Mrs. Haddad of Somerset) congratulating Neil Maynard Horton, Jr. on receiving the Eagle Award of the Boy Scouts of America; and

Multiple Sclerosis Week.

Resolutions (filed by Representative Grant and other members of the House) recognizing Multiple Sclerosis Week May 1st-7th 2010;

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 Mrs. Haddad, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Recess.

Recess.

At ten minutes after ten o'clock A.M. (Thursday, April 29), on motion of Mr. Jones of North Reading (Mr. Donato of Medford being in the Chair) the House recessed until half past ten o'clock; and at ten minutes after eleven o'clock the House was called to order with Mr. Donato in the Chair.

Papers from the Senate.

Bullying in schools.

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 4571) of the Senate Bill relative to bullying in schools (Senate, No. 2323), a Bill relative to bullying in schools (Senate, No. 2404) (having been approved by the committees on Bills in the Third Reading of the two branches, acting jointly), came from the Senate with the endorsement that it had been accepted by said branch.

Under suspension of the rules, on motion of Ms. Walz of Boston, the report was considered forthwith.

Conference committee report accepted,—yea and nay No. 380.

After remarks 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 Ms. Walz; and on the roll call (the Speaker having been in the Chair) 159 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 380 in Supplement.]

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

Methuen,—building lease.

The House Bill authorizing the city of Methuen to lease a building to the head start program of the Greater Lawrence Community Action Council (House, No. 4261) 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 2347.

Under suspension of Rule 35, on motion of Ms. Campbell of Methuen, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Reports of Committees.

Nursing home residents.

By Ms. Stanley of West Newbury, for the committee on Health Care Financing, that the Bill to protect nursing home residents (House, No. 4270) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4637). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Health Care Financing,—study.

By Ms. Stanley of West Newbury, for the committee on Health Care Financing, on House, Nos. 2119, 2175, 2178, 2241, 2350, 2400, 2484, 2517, 3559, 3584, 3585, 3597, 3887, 3923, 4091, 4138, 4199, 4451, 4481, 4499, 4533, 4534, 4590 and 4605, an Order relative to authorizing the committee on Health Care Financing to make an investigation and study of certain House documents concerning health care and other related matters (House, No. 4638). 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 said 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.

Engrossed Bills.

Engrossed bills

Bills enacted.

Relative to bullying in schools (see Senate, No. 2404) (which originated in the Senate); and

Establishing a regional wastewater district for the towns of Mansfield, Foxborough, and Norton (see House, No. 4307, amended) (which 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.

Paper from the Senate.

Bullying in schools.

The engrossed Bill relative to bullying in schools (see Senate, No. 2404, amended) came from the Senate with the endorsement that it had been amended by said branch 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 provide forthwith for the prevention of bullying in schools therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.".

Mr. Petrolati of Ludlow having been in the Chair,— under suspension of the rules, on motion of Mr. Donato of Medford, the amendment was considered forthwith; and it was adopted, in concurrence.

Emergency Measure.

Bullying in schools.

The engrossed Bill relative to bullying in schools (see Senate, No. 2404, 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 29 to 0. Sent to the Senate for concurrence.

Bill enacted.

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

Orders of the Day.

General Appropriation Bill.

The House Bill making appropriations for the fiscal year 2011 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 (House, No. 4600, amended) was considered.

Pending the question on passing the bill, as amended, to be engrossed, Mr. Perry of Sandwich and other members of the House moved to amend it by adding the following section:

"SECTION 68. The department of public utilities shall, within 120 days after the effective date of this act, complete a cost analysis report evaluating all technically-feasible supply and demand proposals capable of ensuring electricity reliability on Cape Cod. The analysis

shall include proposals which will reduce or eliminate existing uplift charges imposed upon ratepayers in the Southeastern Massachusetts Reliability Region as defined by ISO New England Inc. The report shall include, but not be limited to, a cost comparison of any technically-feasible proposal including transmission improvements, demand-side management programs, the health and environmental impacts of energy alternatives, repowering of existing power generation units in the Southeastern Massachusetts Reliability Region or the development of new peaking generation facilities.".

The amendment was rejected.

At ten minutes after twelve o'clock noon (Thursday, April 29), on motion of Mr. Jones of North Reading (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at fourteen minutes after one o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair. Recess.

Ms. Walz of Boston and other members of the House then moved to amend the bill in section 2, in item 7010-0005, by adding the following "; provided further, that not less than $100,000 shall be allocated for the purposes of offering a no-cost method to schools and districts for professional development to build the skills of all staff members, including but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities and paraprofessionals, to prevent, identify, and respond to bullying; provided further, that the content of such professional development shall include, but not be limited to developmentally appropriate strategies to prevent bullying incidents; developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents; information regarding the complex interaction and power differential that can take place between and among a perpetrator, victim and witnesses to the bullying; research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment; information on the incidence and nature of cyber-bullying; and internet safety issues as they relate to cyber-bullying; and provided further that said no-cost method may also include a 'train-the-trainer' model, so-called, with demonstrated success"; and in said item by striking out the figures "$13,031,114" and inserting in place thereof the figures "$13,131,114".

The amendments were adopted.

Mr. Murphy of Lowell and other members of the House then moved to amend the bill by adding the following section:

"SECTION 68. Notwithstanding any general or special law to the contrary the department of children and family services shall not make special education placement decisions and shall adhere to the current individualized education plan until it is altered by the team process pursuant to applicable law. Furthermore, the department of elementary and secondary education shall consider a special education day school operated by an educational collaborative or other public entity as a different program type than one operated by a private entity. A school district shall only be responsible for their portion of the costs associated with a private residential placement pursuant to a valid individualized education plan.".

After remarks the amendment was rejected.

General Appropriation Bill.

Mr. Falzone of Saugus then moved to amend the bill in section 2, in item 7000-9101, by adding the following "; provided further, that the board shall grant temporary certification to Saugus upon receipt of a preliminary report showing compliance with the requirement of a materials expenditure of 13% of its budget during fiscal year 2011 and showing that the library has and will maintain open hours of at least 59 hours per week; provided further, that the board may revoke certification to Saugus if said minimum standards are not met after temporary certification is granted; provided further that the employment of a permanent library director shall not be required of Saugus until at least July 1, 2011". The amendment was adopted.

Mr. Kocot of Northampton then moved to amend the bill by adding the following section:

"SECTION 68. Chapter 55 of the General Laws is hereby amended.

Section 6C. No candidate or his or her candidates committee may accept, nor shall any applicant for or holder of a casino license, nor any holding, intermediary or subsidiary company thereof, nor any officer, director, casino key employee or principal employee of an applicant for or holder of a casino license or of any holding, intermediary or subsidiary company thereof nor any person or agent on behalf of any such applicant, holder, company or person, directly or indirectly, pay or contribute any money or thing of value to any candidate for nomination or election to any public office in the Commonwealth, or to any committee of any political party, or to any group, committee or association organized in support of any such candidate or political party; except that the provisions of this section shall not be construed in a way that is contrary to law regarding expenditures or self-funding. Violation of any provision of this section shall be punished by imprisonment for not more than one year or by a fine of not more than one thousand dollars.".

The amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting after section 27 the following section:

"SECTION 27A. Section 150 of chapter 127 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the words 'expires on', in line 1, the following:— Saturday,".

The amendment was adopted.

Mr. Jones and other members of the House then moved to amend the bill by inserting after section 10 the following two sections:

"SECTION 10A. Subsection (c) of section 29F of chapter 29 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended in lines 52 and 53 by striking the following words: 'Debarment may be imposed for the following causes; but, debarment shall be imposed in all causes where debarment is required by law' and inserting in place thereof the following:— Debarment shall be imposed for the following causes.

SECTION 10B. Subdivision (1) of subsection (c) of section 29F of chapter 29, as so appearing, is hereby amended by inserting, in line72, after the words 'environment; or' the following:— (x) a violation of federal law prohibiting the employment of unauthorized aliens; or.".

The amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting after section 27A (inserted by amendment) the following section:

"SECTION 27B. Section 118 of chapter 149 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word 'individual' the following words:— , who is a resident of the Commonwealth of Massachusetts,.".

The amendment was adopted.

Mr. Ross of Wrentham and other members of the House then moved to amend the bill by inserting after section 23 the following section:

"SECTION 23A. Section 2 of chapter 118G of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting, after the second paragraph contained in the lines 13 to 28, inclusive:— The division shall make available actual costs of health care services, as supplied by each provider, to the general public in a conspicuous manner on the division's official website.".

After remarks the amendment was adopted.

Mr. Scaccia of Boston then moved to amend the bill by adding the following section:

"SECTION 68. Section 20(c) of Chapter 28 of the Acts of 2009 is amended in the fifth sentence, by adding after 'the Attorney General' the following language:— and a duplicate copy of said notice shall be filed with the regulations division of the state secretary's office.".

The amendment was adopted.

Mr. Nangle of Lowell then moved to amend the bill by adding the following section:

"SECTION 69. The date for compliance with subsection (b) of section 38J of Chapter 148 of the General Laws, as set forth in section 9 of Chapter 453 of the Acts of 2008, is hereby extended from July 1, 2010, until December 31, 2010.".

The amendment was adopted.

Ms. Sandlin of Agawam then moved to amend the bill by adding the following section:

"SECTION 70. Section 8G of chapter 26 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:—

There shall be in the division of insurance an auto damage appraiser licensing board, hereinafter called the board, consisting of four persons to be appointed by the Governor, two of whom shall be affiliated with the auto body repair industry, and two of whom shall be affiliated with insurance companies writing casualty insurance within the commonwealth, and one person to be appointed by the commissioner of insurance who shall not be affiliated with either the auto body industry or the insurance industry and who shall be the chairman of the board, and one person who shall be appointed by the Speaker of the House and one person appointed by the Senate President who shall not be affiliated with either the auto body industry or the insurance industry and represent the consumer and the general public. A vacancy on the board shall be filled within 60 days from the date of said vacancy.".

The amendment was adopted.

General Appropriation Bill.

Mr. Keenan of Salem and other members of the House then moved to amend the bill by adding the following section:

"SECTION 71. Section 14 of chapter 23A of the General Laws, as appearing in the 2008 Official Edition, is hereby amended, in line 3, by striking out the word 'those' and inserting in place thereof the words 'the following thirteen'.

Section 14 is further amended, in lines 12 through 19, by striking the text after the word 'Commerce'.

Section 14 is further amended by striking the sentence in lines 33 and 34, and inserting in place thereof 'No funds may be spent for entertainment under this section'.

Section 14 is further amended, in line 53, by inserting after the word 'means' the words:— and Joint Committee on Tourism Arts and Cultural Development.".

The amendment was adopted.

Ms. Story of Amherst then moved to amend the by adding the following section:

"SECTION 72. Section 9A of chapter 118E of the General Laws is hereby amended by inserting in the following subsections under subsection (2):—

(j) Children who are deemed eligible for medical benefits pursuant to clause (a) of subsection 2 shall continue to be eligible for assistance for a period of 12 months, until the child's annual eligibility review, if the child would otherwise be determined ineligible due to excess countable income but otherwise remains eligible.

(k) Children who are deemed eligible for medical benefits pursuant to clause (b) of subsection 2 shall continue to be eligible for assistance for a period of 12 months, until the child's annual eligibility review, if the child would otherwise be determined ineligible due to excess countable income but otherwise remains eligible.

(l) Children who are deemed eligible for medical benefits pursuant to clause (c) of subsection 2 shall continue to be eligible for assistance for a period of 12 months, until the child's annual eligibility review, if the child would otherwise be determined ineligible due to excess countable income but otherwise remains eligible.".

The amendment was adopted.

Messrs. O'Day of West Boylston and Walsh of Boston then moved to amend the bill by adding the following section:

"SECTION 73. Paragraph (d) of section 7 of chapter 150E of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting in the first paragraph after the third clause which ends 'pursuant to Chapter 48;' by inserting the following:— any general or special law pertaining to appointment, transfer or removal of any employee or employees who meet the definition of 'employee' or 'public employee' as defined in section one of this chapter.".

The amendment was rejected.

Representatives Hill of Ipswich and L'Italien of Andover then moved to amend the bill by adding the following section:

"SECTION 73. Section 1. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:—

'Safe drinking water' is defined as water meeting or exceeding all primary and secondary standards, and recommended guidelines for drinking water as defined by the Massachusetts Department of Environmental Protection.

'I-95 Corridor' as used herein is defined as the area within the Town of Boxford located approximately 1,500 feet from any portion of Interstate Highway 95.

Section 2. The Massachusetts Department of Transportation (Mass DOT) shall conduct a comprehensive study to determine the cumulative and immediate effects of deicing chemical storage and deicing operations on the groundwater aquifer(s) and bedrock fissures within the I-95 Corridor. Specifically: the study shall determine how and why deicing chemicals applied to Interstate 95 have infiltrated the ground water aquifers and bedrock and what measures need to be taken to prevent it from occurring in the future. The study shall provide recommendations as to: (i) the proximate cause(s) of deicing chemicals, including sodium and chloride, infiltration into the groundwater aquifer(s) and bedrock fissures within the I-95 Corridor; (ii) short-term and long-term remedial action(s) necessary to restore groundwater quality to a Safe Drinking Water standard within the I-95 Corridor; (iii) a plan to modify highway drainage systems so as to prevent storm water run-off and highway drainage from adversely impacting aquifers, bedrock and adjacent wetland resource areas; and (iv) an alternative means to provide a reliable and adequate safe drinking water supply to the residents located within the I-95 Corridor meeting all state and local requirements.

Section 3. The Department of Transportation shall conduct said study utilizing an independent consultant. The development of the study scope of work, the selection of the independent consultant, and review of study recommendations, shall all be conducted jointly by DOT and a Committee to be appointed by the Boxford Board of Selectmen and the Boxford Board of Health. Within one year of the passage of this act, the Department of Transportation shall file a report of its activities and the developed recommendations with the governor and the clerks of the House of Representatives and the Senate who shall forward the same to the House and Senate committees on ways and means and other committees as appropriate. To the extent the report provides for disbursement of appropriations or other moneys authorized by the general court, the plan shall be subject to the approval of the secretary of transportation and the secretary of administration and finance.".

The amendment was adopted.

Mr. Madden of Nantucket then moved to amend the bill by adding the following section:

"SECTION 74. The General Laws are hereby amended in line 65, Section 4c of Chapter 21A by inserting after the words 'Martha's Vineyard Commission,' the words:— 1 of whom shall be a representative of the Nantucket Planning and Economic Development Commission.".

The amendment was adopted.

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Mr. Madden then moved to amend the bill by adding the following section:

"SECTION 75. The General Laws are hereby amended in Section 15 of Chapter 132A, line 17, by striking the words 'may review' and inserting in place thereof the following words: 'shall define'; and further, in line 18, by inserting after the word 'facilities' the following words: 'and review them'; and further, in lines 19-22 inclusive, by striking the rest of the sentence after the word 'review', and inserting in place thereof the following words:— of a regional planning agency's decision on the applicant's proposed development of regional impact.". The amendment was adopted. Subsequently Mr. Murphy of Burlington moved that this vote be reconsidered; and the motion to reconsider prevailed.

Pending the recurring question on adoption of the amendment, the same member moved to amend it by striking out proposed section 75 and inserting in place thereof the following section:

"SECTION 75. The second paragraph of section 15 of chapter 132A of the General Laws, as so appearing, is hereby amended by striking out clause (iii) and inserting in place thereof the following:—

(iii) in municipalities where regional planning agencies have regulatory authority, a regional planning agency shall define the appropriate scale of offshore renewable energy facilities, and review such facilities as developments of regional impact, and the applicant may seek review of the regional planning agency's development of regional impact determination, but not its determination of appropriate scale, pursuant to the authority of the energy facilities siting board to issue certificates of environmental impact and public interest pursuant to sections 69K through 69O of chapter 164.".

The further amendment was adopted, thus precluding a vote on the pending amendment offered by Mr. Madden of Nantucket.

Mr. Costello of Newburyport then moved to amend the bill by adding the following two sections:

"SECTION 76. Section 18H of chapter 6A of the General Laws, as amended by section 8 of chapter 223 of the Acts of 2008, is hereby further amended by striking out the first sentence in subsection (d) and inserting in place thereof the following:—

(d) Each communication service provider shall remit the surcharge revenues collected from its subscribers or end users to the state treasurer for deposit in the Enhanced 911 Fund; provided however that the department shall promulgate regulations establishing collection of the surcharge on prepaid wireless services from consumers at the retail point of sale and that the surcharge on prepaid wireless services shall be remitted by the retailer of the prepaid wireless services to the department of revenue; and provided further that the department of revenue shall promulgate regulations for collection, remittance, audits, and enforcement of the collection and remittance of the surcharge on prepaid wireless services consistent with the tax imposed under chapter 64H of the General Laws.

SECTION 77. Said chapter 223 is hereby further amended by striking out section 19 and inserting in place thereof the following section:—

Section 19. The regulations required to be adopted under subsections (a) and (d) of section 18H of chapter 6A of the General Laws by the state 911 department and the department of revenue shall take effect on July 1, 2010, and the retailers of prepaid wireless service shall be subject to said section 18H of said chapter 6A, except for subsection (g) of said section 18H of said chapter 6A on and after July 1, 2010. Subsection (g) of said section 18H of said chapter 6A shall take effect on the effective date of this act.".

The amendment was adopted.

Mr. Galvin of Canton and other members of the House then moved to amend the bill by adding the following section:

"SECTION 78. The Massachusetts general laws are hereby amended by striking Chapter 111, Section 62K and inserting in place thereof the following section:—

Chapter 111: Section 62K. Trustees; corporation; additional powers and duties; grants; devises; gifts; trusts.

Section 62K. The trustees shall be a corporation for the purpose of taking and holding, by them and their successors, in the name of the commonwealth, and in accordance with the terms thereof, any grant or devise of land, bequest of personal property or money or other funds, whether income or principal and whether acquired by gift or contribution or otherwise made, or generated by the trustees for the use or benefit of the school, its students, former students or graduates or any association thereof. Consistent with said purpose, the trustees shall have all the powers permitted a nonprofit corporation under Massachusetts law and an exempt organization described in section 501(c) 3 of the IRS Code, including among others, the power to employ such agencies as they may from time to time determine to be wise and proper for the administration of said funds, and from funds received or the income thereof, to pay such expenses as may be necessary for said administration, or may, with notification to the governor or council, delegate any powers conferred by this section upon any such company or corporation. In the use, management and administration of such funds, the trustees or their agents shall in their discretion so act as most effectively to benefit the school, its students or graduates or any association thereof. No trustee shall be answerable for the default or neglect of any co-trustee, or of any agent employed hereunder, or of any corporation to which power is delegated or transferred as herein authorized.".

The amendment was adopted.

Ms. Polito of Shrewsbury then moved to amend the bill by adding the following two sections:

"SECTION 79. Section 33 of chapter 138 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended in line 12 by striking the words '12:00 noon in any county other than Suffolk' and inserting in place thereof the following:— ten o'clock ante meridian.

SECTION 80. Section 33b of chapter 138 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking the words 'eleven o'clock ante meridian' and inserting in place there of the following:— ten o'clock ante meridian.".

After remarks the amendment was adopted.

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Ms. Peisch of Wellesley then moved to amend the bill by inserting after section 3 the following section:

"SECTION 3A. Chapter 6A of the General Laws is hereby amended by inserting after section 7 the following section:—

Section 7A. Each secretary may, notwithstanding any general or special law to the contrary, identify information technology related activities and related supporting financial functions common to the state agencies within the executive office and may designate such functions as core information technology functions. To improve administrative efficiency and preserve fiscal resources, the secretary may direct that core information technology functions be performed by the executive office or by 1 or more state agencies designated by the secretary to perform those functions. The secretary may delegate the secretary's signature authority for such functions to an officer or employee of an agency within the executive office. Nothing in this section shall waive the responsibility of each agency head to certify obligations and expenditures for appropriations and other legally available funds of the agency pursuant to section 3 of chapter 7A, the responsibilities of an agency head pursuant to state finance law including but not limited to sections 19, 20, 24, 26 and 27 of chapter 29, and the responsibility of an agency head to certify work by employees of the agency pursuant to section 31 of chapter 29. The executive office or any state agencies designated to perform core information technology functions may charge the state agencies that receive such services for the reasonable costs of providing the services. Any employee transfers that occur in connection with the consolidation of core information technology functions within the executive office or state agencies shall not: (a) impair the civil service status of any such transferred employee who immediately before the effective date of this act either holds a permanent appointment in a position classified under chapter 31 or has tenure in a position by reason of section 9A of chapter 30; or (b) impair or change an employee's status, rights, or benefits under chapter 150E.".

The amendment was adopted.

Mr. Bradley of Hingham then moved to amend the bill by adding the following section:

"SECTION 81. Chapter 211B of the Massachusetts General Laws is amended by adding a new Section 21 to read as follows:—

Chapter 211B: Section 21. Notices

Section 21. Whenever a department established under this chapter is required to publish a notice in a newspaper by any Massachusetts General Law, order, rule or judgment of any court, said department shall be deemed as having met all notice requirements by publishing in a newspaper which by its title page purports to be printed or published in such town, city, or county, or having a circulation therein. For purposes of this section, the definition of newspaper shall include legal newspapers.".

The amendment was adopted.

Mr. Koutoujian of Waltham then moved to amend the bill by adding the following two sections:

"SECTION 82. Section 9(b) of chapter 94C of the General Laws is hereby amended in the third paragraph by inserting at the end thereof the following:— This section shall not be construed to prohibit a

physician or an optometrist from the in-office dispensing and sale of a vision correction device, including contact lenses that contain a controlled substance component, provided that the controlled substance is within the profession's designated scope of practice.

SECTION 83. Section 66b of Chapter 122 of the General Laws is hereby amended after the third paragraph by inserting the following:— This section shall not be construed to prohibit an optometrist from the in-office dispensing and sale of a vision correction device, including contact lenses that contain a controlled substance component, provided that the controlled substance is within the profession's designated scope of practice.".

The amendment was rejected.

Mr. Donelan of Orange then moved to amend the bill by adding the following nine sections:

"SECTION 83. The secretary of energy and environmental affairs shall transfer from the department of conservation and recreation to the department of agricultural resources the service forestry unit and the forest products marketing and utilization unit. All personnel of such units at the department of conservation and recreation at the time of this transfer shall remain in their respective collective bargaining units at the department of agricultural resources.

SECTION 84. Amend Chapter 61 §8 in paragraph 10 by deleting 'commissioner of department of conservation and recreation' and replacing it with the following: ', commissioner of the department of agricultural resources'.

Amend Chapter 61A §14 in paragraph 10 by deleting 'commissioner of department of conservation and recreation' and replacing it with the following: ', commissioner of the department of agricultural resources'.

Amend Chapter 61B §9 in paragraph 10 by deleting 'commissioner of department of conservation and recreation' and replacing it with the following: ', commissioner of the department of agricultural resources'.

SECTION 85. Amend Chapter 4 §7 by deleting the forty-seventh clause and replacing it with the following: 'Forester' and 'state forester' shall mean the commissioner of agricultural resources or his designee, adding, after the fifty-eighth clause, the following:— Fifty-ninth, 'state fire warden' shall mean the commissioner of conservation and recreation or his designee.

SECTION 86. Amend Chapter 21 §2F by deleting the first paragraph and inserting in its place the following:—

The directors of the divisions of state parks and recreation and urban parks and recreation shall work in cooperation with the director of the division of fisheries and wildlife within the department of fish and game to establish coordinated management guidelines for sustainable forestry practices on public forest lands within the departments of conservation and recreation. Said guidelines for public forest lands shall include agreements on equipment, personnel transfers, operational costs, and assignment of specific management responsibilities.

SECTION 87. Amend MGL Chapter 132 as follows: Delete §1 and insert in its place the following:—

Section 1. The state forester, defined for the purposes of this chapter pursuant to Chapter 4 §7, shall promote the perpetuation, extension and proper management of the public and private forest lands of the

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commonwealth; shall give such a course of instruction to the students of the University of Massachusetts on the art and science of forestry as may be arranged by the trustees of the university and the forester; and shall perform such other duties as may be imposed upon him by the governor.

Delete §31 and insert in its place the following: 'Lands acquired under section thirty or thirty-three shall be known as state forests, and shall be under the control and management of the commissioner. Lands acquired by purchase for experiment and illustration in forest management and for reforestation under the provisions of chapter four hundred and seventy-eight of the acts of nineteen hundred and eight and amendments thereof, or of the corresponding provisions of later laws, as to which the period limited for repurchase by their original owners, or their heirs or assigns, in accordance with said provisions shall have expired without such repurchase, shall also be known as state forests and shall be under the control and management of the commissioner to the same extent as if acquired under section thirty. He shall reforest and develop such lands, and may, make all reasonable regulations which in his opinion will tend to increase the public enjoyment and benefit therefrom and to protect and conserve the water supplies of the commonwealth'.

Delete §32 and insert in its place the following: 'The commissioner may expend such sums as are annually appropriated for the necessary expenses incurred under section thirty-one.

In §35 delete the word 'forester' and insert in its place the following: 'commissioner'.

Delete §41 and insert in its place the following: 'The governor shall appoint a state forestry committee, to consist of eight members representing, respectively: forest land owners; primary wood using industries; licensed timber harvesters; consulting foresters; environmental organizations; water supply agencies; fisheries and wildlife; and one member representing the public at large. The state forester shall be an ex officio member of the committee and shall vote only in case of a tie. In the initial appointments of said committee members, three shall be appointed for a one year term, three for a two year term, and two for a three year term. Thereafter, as the term of a committee member expires, his successor, with like qualifications as his predecessor, shall be appointed for a term of three years. Said committee shall select its own chairman. The members of said committee shall serve without pay, but shall be reimbursed for actual travelling expenses within the commonwealth, when approved by the state forester.

The state forestry committee, with recommendations of such other advisory committees as the director in his discretion may appoint, shall prepare tentative minimum forest cutting practices and guidelines. Before recommending any forest practices, said committee shall hold hearings, with due notice being given, in conformance with chapter thirty A, in at least three places conveniently located throughout the commonwealth. Said committee may thereafter recommend such practices or modifications thereof and submit them to the state forester. The state forester may thereupon adopt the practices and place them in effect, by posting in all city and town halls in the region affected and by publication in at least one daily newspaper in every county affected.

Such approved practices may be amended at any time by said committee in the same manner, on its own motion or upon the petition of not less than twenty-five forest owners or licensed timber harvesters of the commonwealth or upon petition of any person authorized under section four of chapter thirty A.'.

In §42 delete all instances of 'director' and insert in its place the following: 'state forester'.

In §43 delete all instances of 'director' and 'director's' and insert in its place the following: 'state forester' and 'state forester's' respectively.

In §45 delete all instances of 'director' and insert in its place the following: 'state forester'.

In §46 delete all instances of 'director' and insert in its place the following: 'state forester'.

In §49 delete 'director of the division of forests and parks' and insert in its place the following: 'state forester' and delete all remaining instances of 'director' and insert in its place the following 'state forester'.

Delete §50 and insert in its place the following: 'There is hereby established a forester licensing committee, consisting of nine members, one of whom shall be the state forester, who shall act as chairman, one of whom shall be the chairman of the state forestry committee established in section forty-one or his designee, one of whom shall be the chief forester of the department of conservation and recreation, and six persons to be appointed by the governor, one of whom shall be a person nominated by the Massachusetts Association of Professional Foresters, one of whom shall be a licensed timber harvester, one of whom shall be an owner of classified forestland, one of whom shall be a representative of the executive office of consumer affairs, one of whom shall be a representative of the executive office of energy and environmental affairs, and one of whom shall be a representative of an environmental organization. The forester licensing committee shall recommend qualifications and procedures for the licensing of foresters and shall assist the director in the preparation of rules and regulations for such licensing. Members of said commission shall serve without compensation.'.

Amend §51 by deleting in paragraph 1 'the department of environmental management, the metropolitan district commission' and inserting in its place the following: 'the department of conservation and recreation, the department of agricultural resources' and by deleting in the second paragraph 'the chief forester of the department of environmental management, the chief forester of the metropolitan district commission,' and inserting in its place the following 'the chief forester at the department of conservation and recreation, the state forester'.

SECTION 88. Insert after chapter 128 §115 a new section, §116 as follows:—

Section 116. Powers and duties of the Division of Forest Services.

The director of the division of forest services shall, any other law notwithstanding, have such duties and powers as established under the general laws and accorded to the state forester. The director at all times shall maintain strong coordination with; the chief forester at the department of fish and game, the chief forester at the department of conser-

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vation and recreation, the director of the natural heritage and endangered species program and the directors of the regional offices of the department of environmental protection. In carrying out the duties and powers of the state forester said director shall:

1. Protect the soil and water resources of the forests;

2. Protect the forest productivity, ecosystem integrity and health of the forests;

3. Foster locally grown forest products from carefully conducted harvests;

4. Foster an ethic of integrity and respect among the public for forest resources, fish and wildlife resources and the biological conservation of forests;

5. Foster the restoration and conservation of our forests;

6. Protect forest land for future generations, by purchasing conservation restrictions on prime forest land;

7. Foster the climate mitigation and adaptation values of our forests.

SECTION 89. The Memorandum of Understanding in effect between the department of environmental management and department of environmental protection regarding forest cutting plans shall remain in full force and effect during this transfer and all such duties and obligations shall, until such agreement is amended or canceled by the department of agricultural resources and the department of environmental protection, continue as if between the department of agricultural resources and the department of environmental protection.

SECTION 90. There shall be a Forestry Transfer Oversight Committee within the Executive Office of Energy and Environmental Affairs that shall exist for not more than five (5) years following passage of this legislation. The Committee shall make recommendations to the secretary of energy and environmental affairs relative to the transfer of the service forestry and forest products marketing and utilization units from the department of conservation and recreation to the department of agricultural resources. Said recommendations shall be for the purposes of evaluating such transfer and making improvements to the regulation and promotion of the services and products provided by forest lands. Said committee shall meet at the call of the chair and not less than once per year. Said committee shall be made up of the secretary of energy and environmental affairs or his designee who shall be chair, the commissioner of the department of environmental protection or her designee, the commissioner of the department of agricultural resources or his designee, and 2 members of the public who shall be appointed by the secretary of energy and the environmental affairs one who shall represent the environmental community and one who shall be a owner of forest land in the commonwealth managed for commercial purposes. The state conservationist from the United States Department of Agricultural Resources and the Dean of the College of Natural Sciences and Mathematics at UMass Amherst or their designees shall serve as non-voting members.

SECTION 91. The secretary energy and environmental affairs shall direct such interdepartmental agreements concerning the transfer of vehicles, computers, and other such assets as well as the use of office space and federal grant revenues between the department of agricultural resources and the department of conservation and recreation as he

shall determine is necessary to carry out the transfer from the department of conservation and recreation to the department of agricultural resources the service forestry unit and the forest products marketing and utilization unit.”.

The amendment was rejected.

Messrs. O’Day of West Boylston and Pedone of Worcester then moved to amend the bill by adding the following section:

“SECTION 82. Section 44 of chapter 75 of the General Laws is hereby amended in line 2 by striking out the word ‘shall’ and inserting in place thereof the following word:— may”.

The amendment was adopted.

Mr. Finegold of Andover then moved to amend the bill in section 2 by inserting after item 1102-3224 the following item:

“1102-3225	For the cost of utilities and management services provided by the division of capital asset management, including the payment of electrical, fuel oil and natural gas purchases that are centrally billed to the commonwealth and the purchase, delivery, handling of and contracting for supplies, postage and related equipment and other incidental expenses provided under section 51 of chapter 30 of the General Laws; provided, that any unspent balance at the close of fiscal year 2011 in an amount not to exceed 5 per cent of the amount authorized shall remain in the Intergovernmental Service Fund and may be expended for this item in fiscal year 2012 for the purposes of energy efficiency projects; and provided further, that the division in consultation with the department of energy resources, the operational services division and the executive office for administration and finance shall implement a program for centralized energy management by July 1, 2011	$255,500,000
	Intragovernmental Service Fund.....100%”;	

and by adding the following four sections:

“SECTION 83. Section 1 of chapter 23J of the General Laws, as amended by sections 2 and 3 of chapter 158 of the acts of 2009, is hereby further amended by inserting after the definition of ‘Director’ the following 2 definitions:—

‘Division director’, the director appointed to head the [commonwealth energy solutions division] under section 12.

‘Energy resources’, electricity, natural gas, heating fuels, transportation fuels, demand response, efficiency, and energy management services as defined in section 3 of chapter 25A.

SECTION 84. Said section 1 of chapter 23J, as so amended, is hereby further amended by inserting after the definition of ‘Fund’ the following 2 definitions:—

‘Local government body’, a city, town, municipal aggregation as set forth in section 134 of chapter 164, district, regional school district or county, or an agency or authority thereof, including a housing authority, board, commission, department or instrumentality of a city, town district, regional school district or county.

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'Commonwealth energy solutions division', the division established under section 12.

SECTION 85. Said section 1 of chapter 23J, as so amended, is hereby further amended by inserting after the definition of 'Revenue' the following 2 definitions:—

'State energy resource contracts', contracts executed under section 12 by the division.

'State entities', state agencies, state authorities, quasi-public entities, state higher education facilities, and building authorities.

SECTION 86. Said chapter 23J of the General Laws is hereby further amended by adding the following section:—

Section 12. (a) There shall be within the center a division to be known as the commonwealth energy solutions division. The division shall be headed by a division director who shall be appointed by the executive director of the center and who shall be a person of skill and experience in the field of energy procurement. The division director shall serve at the pleasure of the executive director, and the executive director shall fix the division director's compensation and terms of employment. The division director shall devote full time during business hours to the duties of the office. The division director may, subject to the general supervision of the executive director, employ other employees, consultants, agents, and advisors, and shall attend meetings of the board.

(b) The division shall promote and advance the commonwealth's public interests by acting as the commonwealth's lead agency, in collaboration with the clean energy center, the executive office of energy and environmental affairs, the executive office of administration and finance, and the department of energy resources, to reduce energy costs and greenhouse gas emissions for all state entities by: (i) establishment of a state-wide procurement process for energy resources; (ii) management of a state-wide energy monitoring and analysis system to optimize energy usage in state-owned facilities; and (iii) recommending energy-related capital investments. The division shall manage these duties so as to obtain adequate, reliable, efficient, environmentally sustainable and cost-effective energy resources.

(c) There shall be an advisory committee consisting of 9 individuals with an interest and knowledge in matters related to energy procurement. The board shall consult with the advisory committee in matters related to the division and in the implementation of this section. The advisory committee shall develop objectives and procurement strategies and recommend financial controls. The advisory committee shall include: the secretary of the executive office of administration and finance, who shall serve as chair; the secretary of the executive office of energy and environmental affairs; the commissioner of the department of energy resources; the commissioner of the operational services division; a member appointed by the secretary of administration and finance from a participating executive branch agency; 1 member appointed by the secretary of administration and finance representing participating quasi-public entities; 1 member appointed by the secretary of administration and finance who is an expert on energy procurement; 1 representative appointed by the Massachusetts Municipal Association; and 1 member appointed by the secretary of energy and

environmental affairs who is an expert on energy procurement. The members of the advisory committee shall serve without compensation, but each member shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties. The advisory committee may meet as often as the members shall decide, but it shall meet at least quarterly. Members of the advisory committee may appoint a designee to represent them at any such meeting.

(d) All state entities shall procure energy resources from state energy resource contracts negotiated by the division and executed subject to this section unless granted a waiver by the division. Local governmental bodies shall have the option to procure energy resources from these state energy resource contracts by notifying the division in writing. Notwithstanding this subsection, state entities or local governmental bodies served by a municipal lighting plant which does not supply generation service outside its own service territory or does not open its service territory to competition at the retail level shall not procure energy resources from state energy resource contracts.

(e) The division, in consultation with the board and the advisory committee, will establish procedures and criteria to enable each state entity, in consultation with the division, to evaluate the costs and benefits of any then current contractual obligations for energy resources applicable to that state entity. Following the termination date of these contracts, the state entity shall utilize the state energy resource contracts executed under this section unless granted a waiver by the director of the division. The director shall consult with the board or other applicable governing body of the state entity, and subject to criteria established under this subsection, may grant a waiver if the costs and benefits of maintaining separate procurements for the state entity provides the best value or is in the best interests of the entity. If a waiver is granted, the state entity may conduct separate procurements for these energy resources subject to all applicable procurement laws of the commonwealth. Any entity procuring energy resources through a state energy resource contract shall execute all necessary contract documents to complete the procurement for the state entity.

(f) To increase efficiencies in conducting energy resource procurements for state entities and local governmental bodies, the division shall: (i) establish state-wide procurement for energy resources for such entities; (ii) register as a load-serving entity with ISO-NE to participate in wholesale electricity market; (iii) consolidate all eligible state accounts, and if it elects, accounts from participating local governmental bodies, into a single electricity and natural gas load profile, and (iv) enable small accounts, as determined by the division, to participate in wholesale market purchases.

(g) To streamline energy billing for state entities which have executed contracts under this section, the division, in consultation with the department of energy resources, the executive office for administration and finance and participating state entities, shall: (i) create a centralized billing system to receive all utility bills, audit for errors, and provide billing to individual state agencies and accounts and (ii) provide the division and the department of energy resources with such billing information, as they may request.

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(h) To improve energy usage and management for state entities and achieve state energy policy objectives, the division shall: (i) utilize an energy management system to monitor and analyze consumption in facilities of state entities under state energy resource contracts; (ii) utilize data from such an energy management system, energy audits and other sources to identify energy efficiency investment opportunities; (iii) identify all existing state-owned energy generation assets and develop a plan to optimize their value and (iv) establish equitable means to distribute energy savings to state entities. The division may develop a similar energy usage and management program for participating local governmental bodies and may utilize the systems and methods set forth in this paragraph in consultation with the green communities division of the department of energy resources.

(i) To identify appropriate capital investments in the state facility energy infrastructure, the division, in consultation with the executive office for administration and finance, shall develop recommendations that: (i) establish economic criteria to be applied in making capital investments in identified energy efficiency opportunities; (ii) identify capital resources, either through existing bonding authority or other sureties or resources to fund energy efficiency improvements and distributed energy generation and (iii) utilize energy cost savings to finance, in whole or in part, such capital improvements.

(j) To secure energy resources, the division shall have the authority to procure electric utility services, including the purchase, generation, transmission, transformation and distribution of the supplies of electricity at the lowest reasonable cost consistent with the provision of this section. The division shall be classified as a domestic electric utility pursuant to chapter 164A solely for the purpose of purchasing electricity and becoming a member of the New England power pool. In addition, the division shall have the following powers:

(a) to purchase electric power, energy, and other products of electric power at wholesale or retail from other utilities, public and private, at wholesale or retail, within and without the commonwealth, political subdivisions, and the New England power pool, including, without limiting the generality of the foregoing, all or a portion of the capacity and output of one or more specific electric power facilities, and steam whether or not produced by an electric power facility; provided, however, that nothing in this section shall be construed to authorize resale of electric power and energy so purchased except as otherwise authorized by this section;

(b) to contract for the use of transmission and distribution facilities owned by others for the delivery to the state entities and local governmental bodies, and any such owner is hereby authorized to enter into such contracts with the division;

(c) to contract with respect to the purchase, sale, delivery, exchange, interchange, wheeling, pooling, transmission or use of electric power and energy and to otherwise participate in the New England power pool, as defined by section 1 of chapter 164A, and;

(d) to do all things necessary, convenient or desirable to carry out the purposes of providing electricity in connection with this section.

(k) The division, not later than July 1, 2010, shall adopt rules and procedures to carry out this section.

(l) The center shall report annually on January 1 to the center's board, the clerks of the senate and house of representatives, the governor, and the participating state entities on the operations of the division. The annual report shall include, but not be limited to, a description of the performance of the procurement program and contracts executed pursuant to this section. The first annual report shall be filed not later than January 1, 2012.".

The amendments were rejected.

Mr. Falzone of Saugus then moved to amend the bill by adding the following section:

"SECTION 83. Section 16B of Chapter 71 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking the first sentence of the first paragraph and replacing it with the following sentences:— Notwithstanding any general or special law to the contrary, the regional district school committee, by a two-thirds vote of all its members, shall annually determine the amounts necessary to be raised, after deducting the amount of aid such district is to receive pursuant to section sixteen D, to maintain and operate the district school or schools during the next fiscal year, and amounts required for payment of debt and interest incurred by the district which will be due in the said year, and shall apportion the amount so determined among the several municipalities by finding an amount per pupil by dividing the amount by the number of children who attended a school in the district in that fiscal year, and assigning each municipality a contribution equal to the amount per pupil multiplied by the number of children from that municipality attending a school in the district in fiscal year.".

The amendment was rejected.

Mr. Falzone then moved to amend the bill by adding the following section:

"SECTION 83. (a) There shall be a special commission to study the contributions required by member municipalities to vocational school districts by the provisions in Chapter 70 of the Massachusetts General Laws.

(b) The commission shall consist of the secretary of education, who shall chair the commission, the commissioner of education or his designee, the commissioner of early education or her designee, the commissioner of higher education or his designee, the secretary of administration and finance or his designee, the house and senate chairs of the joint committee on education, the house and senate chairs of the joint committee on higher education, the chairs of the house and senate committees on ways and means or their designees, a representative chosen by the speaker of the house of representatives, a representative chosen by the president of the senate, a representative chosen by the house minority leader, a representative chosen by the senate minority leader, a representative of each of the following organizations: Massachusetts Municipal Association, Massachusetts Teachers Association, Massachusetts Federation of Teachers, Massachusetts Association of School Superintendents, Massachusetts Association of School Committees, the Suburban Coalition, the Massachusetts Budget and Policy Center, the Massachusetts Taxpayers Foundation, the Massachusetts Business Alliance for Education, and 7 members to be selected by the governor.

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(c) The commission's study shall include, but not be limited to, a review of the budgets provided to vocational school districts, a review of the discrepancies in member municipality contributions, alternative ways to determine member contributions, the impact of setting equal contributions per student for every member municipality, a review of successful educational programs in schools and school districts that achieve their success at relatively lower per pupil costs when compared with school districts serving student populations with similar academic and socio-economic characteristics and an assessment of the possibility of replicating such programs in other schools and school districts, and any other issues identified as important by the commission.

(d) The commission shall report its conclusions in writing not later than December 1, 2010 to the governor, the secretary of administration and finance, the speaker of the house of representatives, the president of the senate, and the house and senate chairs of the joint committee on education. The report shall include a list of items requiring further study and evaluation through a contracted adequacy study or other academic and statistical research; a recommendation about the scope, goals, recommended budget and preferred methodology of any further study; Any such additional study shall be completed no later than December 1, 2011.".

The amendment was rejected.

Mr. Webster of Pembroke then moved to amend the bill by adding the following section:

"SECTION 83. Section 69 of Chapter 130 of the General Laws is hereby amended by inserting the following new paragraph:

Parties who have obtained a commercial aquaculture permit issued in accordance with 322 CMR 15.4 may harvest farm raised seed oyster regardless of size.".

The amendment was adopted.

Mr. Sciortino of Medford then moved to amend the bill by adding the following two sections:

"SECTION 84. Chapter 111 of the General Laws is hereby amended by inserting after section 121A the following sections:—

Section 121B. Notwithstanding any general or special law to the contrary, a physician, physician assistant, nurse practitioner or certified nurse mid-wife who is authorized under Chapter 94C to prescribe and dispense prescription drugs, and who diagnoses infection due to Chlamydia trachomatis in an individual patient, may prescribe and dispense such prescription drugs to the patient's sexual partner or partners for the presumptive treatment of chlamydia infection without an examination of the patient's sexual partner or partners. Further, the department may authorize a physician, physician assistant, nurse practitioner or certified nurse mid-wife, who is authorized under Chapter 94C to prescribe and dispense prescription drugs, and who diagnoses an infectious disease dangerous to the public health, to prescribe and dispense prescription drugs to the patient's at-risk contact or contacts for presumptive treatment to prevent infection in such contact or contacts without an examination of the patient's contact or contacts.

SECTION 85. The department of public health shall adopt regulations to implement this act.".

The amendment was adopted.

Mr. Donato of Medford and other members of the House then moved to amend the bill in section 6 [A] by inserting after the following "following sentence:—" the words "For fiscal year 2011".

Pending the question on adoption of the amendment, Mr. Donato moved to amend it by striking out the text of said amendment [at "A"] and inserting in place thereof the following "; in line 2, by striking out the word 'No' and inserting in place thereof the following 'For fiscal year 2011, no' " and by adding at the end of said section the following "provided further the department of higher education, by February 15, 2011, shall report to the house and senate committees on ways and means and the joint committee on higher education on the number of students applying for, eligible for, and receiving tuition and fee waivers under the program authorized in said eighth paragraph as well as on the cost and sustainability of the program in both recent and coming years".

The further amendments were adopted, thus precluding a vote on the pending amendment.

Mr. Kane of Holyoke then moved to amend the bill by adding the following section:

"SECTION 86. The inspector general shall review and comment, within 30 days of enactment of this Act, any award, transfer or procurement by the Executive Office of Health and Human Services of any of the services currently being provided under the Customer Services Contract responsible for 'The Provision of Key Operations Services to the Mass Health Member and Provider Communities', to private vendor or to any Department of the Commonwealth as defined by 815 CMR 6.02.".

The amendment was adopted.

Quorum.

After an extended period of time Ms. Sandlin of Agawam asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum roll call,— yea and nay No. 381.

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

[See Yea and Nay No. 381 in Supplement.]

Therefore a quorum was present.

Mr. Cabral of New Bedford then moved to amend the bill in section 2, in item 7027-1004, by striking out the figures "$361,000" and inserting in place thereof the figures "$397,937"; and the amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill [A] in section 2, in item 1233-2350, by striking out the figures "$898,980,293" and inserting in place thereof the figures "$936,437,803"; and in item 7061-0008, by striking out the figures "$3,851,193,043" and inserting in place thereof the figures "$4,048,324,258"; and by striking out section 3 and inserting in place thereof the following section:

"SECTION 3. Notwithstanding any general or special law to the contrary, for the fiscal year ending June 30, 2011 the distribution to cities and towns of the balance of the State Lottery Fund, as paid from the General Fund in accordance with clause (c) of the second para-

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graph of section 35 of chapter 10 of the General Laws, and additional funds from the General Fund shall be $936,437,803, and shall be apportioned to the cities and towns in accordance with this section.

Notwithstanding section 2 of chapter 70 of the General Laws or any other general or special law to the contrary, except for section 12B of chapter 76 and section 89 of chapter 71 of the General Laws, for fiscal year 2011 the total amounts to be distributed and paid to each city and town from item 7061-0008 of section 2 shall be as set forth in the following lists. The specified amounts to be distributed from said item 7061-0008 of said section 2 shall be in full satisfaction of the amounts due under chapter 70 of the General Laws.

The foundation budget categories for each district shall be calculated in the same manner as in fiscal year 2010. The target local share shall be calculated using the same methodology used in fiscal year 2010. Preliminary local contribution shall be the municipality's fiscal year 2010 minimum required local contribution, increased or decreased by the municipal revenue growth factor; provided, that if a municipality's preliminary contribution as a percentage of foundation is more than 5 percentage points lower than the target local share, the preliminary contribution shall be recalculated using the municipality's revenue growth factor plus 1 percentage point; provided further, that if a municipality's preliminary contribution as a percentage of foundation is more than 10 percentage points lower than the target local share, the preliminary contribution shall be recalculated using the municipality's revenue growth factor plus 2 percentage points. Minimum required local contribution for fiscal year 2011 shall be, for any municipality with a fiscal year 2011 preliminary contribution greater than its fiscal year 2011 target contribution, the preliminary local contribution reduced by 30 per cent of the gap between the preliminary local contribution and the target local contribution. Required local contribution shall be allocated among the districts to which a municipality belongs in direct proportion to the foundation budgets for the municipality's pupils at each of those districts. No non-operating district shall receive chapter 70 aid in an amount greater than the district's foundation budget. If there is a conflict between the language of this section and the distribution listed below, the distribution below shall control.

The department of elementary and secondary education shall not consider health care costs for retired teachers to be part of net school spending for any district in which such costs were not considered part of net school spending in fiscal year 1994. No payments to cities, towns or counties maintaining an agricultural school pursuant to this section shall be made after November 30 of the fiscal year until the commissioner of revenue certifies acceptance of the prior fiscal year's annual financial reports submitted under section 43 of chapter 44 of the General Laws. Advance payments shall be made for some or all of periodic local reimbursement or assistance programs to any city, town, regional school district or independent agricultural and technical school that demonstrates an emergency cash shortfall, as certified by the commissioner of revenue and approved by the secretary of the executive office for administration and finance, pursuant to guidelines established by the secretary.

Municipality	Chapter 70	Unrestricted General Government Aid
ABINGTON	7,652,405	1,733,200
ACTON	5,480,709	1,232,453
ACUSHNET	6,380,293	1,335,880
ADAMS	0	2,062,686
AGAWAM	17,539,465	3,245,836
ALFORD	0	12,364
AMESBURY	8,897,607	1,714,037
AMHERST	6,141,373	7,417,544
ANDOVER	7,318,616	1,574,331
AQUINNAH	0	2,058
ARLINGTON	7,043,540	6,684,280
ASHBURNHAM	6,255	700,522
ASHBY	18,467	385,788
ASHFIELD	97,305	163,569
ASHLAND	4,781,435	1,191,467
ATHOL	0	2,332,579
ATTLEBORO	30,385,681	5,026,357
AUBURN	6,569,399	1,508,896
AVON	862,748	610,660
AYER	4,168,122	666,985
BARNSTABLE	7,589,756	1,853,262
BARRE	0	792,398
BECKET	79,753	80,012
BEDFORD	2,964,642	1,011,392
BELCHERTOWN	13,786,977	1,499,115
BELLINGHAM	8,480,883	1,495,008
BELMONT	5,885,398	1,989,365
BERKLEY	5,426,422	536,079
BERLIN	528,296	177,633
BERNARDSTON	11,779	256,255
BEVERLY	7,109,675	5,145,188
BILLERICA	18,355,098	5,130,485
BLACKSTONE	84,251	1,205,953
BLANDFORD	44,506	111,873
BOLTON	0	173,954
BOSTON	216,994,382	166,924,272
BOURNE	4,948,115	1,291,562
BOXBOROUGH	1,366,966	222,247
BOXFORD	1,620,806	428,303
BOYLSTON	454,815	301,792
BRAINTREE	12,178,034	5,041,694
BREWSTER	937,937	347,881
BRIDGEWATER	36,107	3,208,997
BRIMFIELD	1,167,152	343,508
BROCKTON	132,925,358	18,447,819
BROOKFIELD	1,342,588	435,019
BROOKLINE	7,323,679	5,593,780

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Municipality	Chapter 70	Unrestricted General Government Aid
BUCKLAND	6,177	269,777
BURLINGTON	5,413,900	2,307,358
CAMBRIDGE	9,130,367	18,927,802
CANTON	3,749,132	1,889,388
CARLISLE	834,776	193,277
CARVER	10,112,726	1,287,097
CHARLEMONT	96,287	154,007
CHARLTON	7,572	1,276,459
CHATHAM	685,125	132,598
CHELMSFORD	10,437,871	4,471,873
CHELSEA	52,458,822	7,236,122
CHESHIRE	310,513	541,244
CHESTER	130,782	158,623
CHESTERFIELD	126,627	121,644
CHICOPEE	52,093,967	10,145,648
CHILMARK	0	3,304
CLARKSBURG	1,848,479	320,512
CLINTON	11,054,176	2,074,041
COHASSET	1,753,039	453,294
COLRAIN	0	254,283
CONCORD	2,111,688	1,022,124
CONWAY	625,958	157,462
CUMMINGTON	69,156	73,500
DALTON	214,226	1,002,426
DANVERS	4,509,672	2,509,394
DARTMOUTH	9,490,011	2,221,020
DEDHAM	3,857,099	2,881,188
DEERFIELD	1,084,466	423,174
DENNIS	0	479,831
DEVENS	321,440	0
DIGHTON	0	681,269
DOUGLAS	8,705,118	642,969
DOVER	635,447	169,484
DRACUT	18,712,673	3,086,981
DUDLEY	0	1,574,194
DUNSTABLE	4,350	216,702
DUXBURY	4,635,251	780,978
EAST BRIDGEWATER	10,678,301	1,318,811
EAST BROOKFIELD	60,179	255,524
EAST LONGMEADOW	9,031,158	1,275,317
EASTHAM	333,725	131,264
EASTHAMPTON	7,995,345	2,476,469
EASTON	9,710,751	1,929,409
EDGARTOWN	446,517	58,689
EGREMONT	0	55,591
ERVING	431,682	59,218
ESSEX	0	215,716

Municipality	Chapter 70	Unrestricted General Government Aid
EVERETT	38,785,854	6,086,937
FAIRHAVEN	7,624,868	1,986,773
FALL RIVER	94,236,411	20,996,063
FALMOUTH	5,119,922	1,221,483
FITCHBURG	41,279,263	7,518,871
FLORIDA	555,379	43,854
FOXBOROUGH	8,819,356	1,312,346
FRAMINGHAM	19,926,983	8,765,666
FRANKLIN	28,371,695	2,177,055
FREETOWN	1,515,957	836,625
GARDNER	18,880,829	3,733,532
GEORGETOWN	5,382,244	631,160
GILL	0	214,306
GLOUCESTER	6,080,047	3,518,850
GOSHEN	100,116	70,485
GOSNOLD	17,098	1,848
GRAFTON	9,042,180	1,377,602
GRANBY	4,706,746	777,937
GRANVILLE	1,317,791	141,258
GREAT BARRINGTON	0	668,654
GREENFIELD	9,842,539	2,797,191
GROTON	3,193	682,494
GROVELAND	0	641,340
HADLEY	774,541	399,872
HALIFAX	2,794,152	799,790
HAMILTON	0	591,950
HAMPDEN	0	606,171
HANCOCK	201,197	49,744
HANOVER	6,303,926	1,866,403
HANSON	31,542	1,128,264
HARDWICK	0	410,173
HARVARD	1,815,511	1,304,791
HARWICH	1,833,840	379,514
HATFIELD	795,778	274,914
HAVERHILL	36,406,776	8,659,369
HAWLEY	28,203	38,130
HEATH	0	73,717
HINGHAM	5,719,073	1,390,494
HINSDALE	109,045	196,174
HOLBROOK	4,856,980	1,300,008
HOLDEN	0	1,684,514
HOLLAND	940,324	177,832
HOLLISTON	6,915,753	1,364,400
HOLYOKE	68,360,690	8,948,084
HOPEDALE	6,143,124	574,519
HOPKINTON	5,780,513	692,119
HUBBARDSTON	0	396,881

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Municipality	Chapter 70	Unrestricted General Government Aid
HUDSON	9,366,339	1,756,926
HULL	3,814,006	1,867,191
HUNTINGTON	214,502	303,650
IPSWICH	2,703,789	1,414,298
KINGSTON	3,999,499	845,678
LAKEVILLE	2,389,045	720,901
LANCASTER	0	842,194
LANESBOROUGH	844,664	303,923
LAWRENCE	140,980,506	17,299,359
LEE	2,026,303	548,705
LEICESTER	9,713,210	1,529,786
LENOX	1,194,985	469,623
LEOMINSTER	41,865,920	5,042,529
LEVERETT	282,057	157,266
LEXINGTON	7,449,035	1,350,288
LEYDEN	0	72,543
LINCOLN	759,016	599,811
LITTLETON	3,701,138	626,288
LONGMEADOW	4,340,920	1,230,949
LOWELL	121,179,148	22,192,157
LUDLOW	13,523,564	2,691,527
LUNENBURG	4,777,497	931,718
LYNN	118,839,864	19,726,507
LYNNFIELD	4,013,888	916,325
MALDEN	41,915,092	11,053,793
MANCHESTER	0	195,936
MANSFIELD	18,773,984	1,965,294
MARBLEHEAD	4,805,402	1,003,303
MARION	456,004	198,801
MARLBOROUGH	13,277,522	4,796,158
MARSHFIELD	14,331,875	1,908,668
MASHPEE	4,437,308	324,158
MATTAPOISETT	556,663	357,094
MAYNARD	3,660,967	1,384,183
MEDFIELD	5,937,045	1,277,175
MEDFORD	11,447,701	10,687,177
MEDWAY	10,456,517	1,074,910
MELROSE	7,708,250	4,518,499
MENDON	27,220	360,053
MERRIMAC	0	741,313
METHUEN	41,012,456	4,790,482
MIDDLEBOROUGH	17,441,157	2,172,248
MIDDLEFIELD	18,032	46,839
MIDDLETON	1,566,978	482,077
MILFORD	15,878,931	2,691,116
MILLBURY	6,937,152	1,560,179
MILLIS	4,212,398	922,449

Municipality	Chapter 70	Unrestricted General Government Aid
MILLVILLE	42,330	358,883
MILTON	5,814,582	2,831,002
MONROE	87,282	16,200
MONSON	7,669,114	1,150,120
MONTAGUE	0	1,262,696
MONTEREY	0	40,736
MONTGOMERY	21,919	76,463
MOUNT WASHINGTON	34,142	26,411
NAHANT	465,587	332,902
NANTUCKET	1,409,385	69,809
NATICK	7,460,123	3,357,406
NEEDHAM	6,999,890	1,538,073
NEW ASHFORD	179,384	17,896
NEW BEDFORD	112,708,032	20,267,970
NEW BRAINTREE	0	116,309
NEW MARLBOROUGH	0	51,599
NEW SALEM	0	91,415
NEWBURY	0	456,295
NEWBURYPORT	3,320,352	2,247,087
NEWTON	14,171,395	5,177,738
NORFOLK	3,417,236	844,929
NORTH ADAMS	14,175,431	3,908,849
NORTH ANDOVER	6,470,012	1,805,628
NORTH ATTLEBOROUGH	20,629,686	2,534,823
NORTH BROOKFIELD	4,362,572	702,057
NORTH READING	6,823,391	1,564,395
NORTHAMPTON	7,228,831	3,872,525
NORTHBOROUGH	3,497,837	982,781
NORTHBRIDGE	14,271,099	1,859,798
NORTHFIELD	0	318,327
NORTON	12,832,725	1,831,209
NORWELL	3,177,994	944,497
NORWOOD	5,079,889	4,098,202
OAK	BLUFFS	648,233
64,077		
OAKHAM	124,262	169,039
ORANGE	5,406,413	1,423,887
ORLEANS	251,039	151,342
OTIS	0	32,047
OXFORD	9,618,608	1,811,699
PALMER	11,112,247	1,766,962
PAXTON	0	476,772
PEABODY	19,715,730	6,360,014
PELHAM	228,505	140,247
PEMBROKE	13,516,289	1,481,057
PEPPERELL	0	1,315,005
PERU	84,251	100,623

General Appropriation Bill.

Municipality	Chapter 70	Unrestricted General Government Aid
PETERSHAM	442,349	101,008
PHILLIPSTON	0	162,522
PITTSFIELD	37,355,373	7,607,092
PLAINFIELD	53,150	44,202
PLAINVILLE	2,661,189	668,424
PLYMOUTH	22,859,189	3,452,391
PLYMPTON	582,449	209,025
PRINCETON	0	260,866
PROVINCETOWN	272,588	121,870
QUINCY	20,125,137	16,823,747
RANDOLPH	11,941,876	4,579,658
RAYNHAM	0	1,001,882
READING	10,023,063	2,856,335
REHOBOTH	0	918,432
REVERE	38,595,789	9,063,334
RICHMOND	349,151	95,322
ROCHESTER	1,801,969	374,209
ROCKLAND	10,541,378	2,329,177
ROCKPORT	1,343,494	385,530
ROWE	71,465	3,471
ROWLEY	0	475,805
ROYALSTON	0	158,399
RUSSELL	175,484	217,604
RUTLAND	0	815,043
SALEM	17,228,409	6,077,873
SALISBURY	0	556,700
SANDISFIELD	0	30,531
SANDWICH	6,735,852	993,063
SAUGUS	4,107,595	3,232,413
SAVOY	527,171	102,086
SCITUATE	5,104,541	1,772,437
SEEKONK	4,512,952	1,084,202
SHARON	6,831,805	1,233,375
SHEFFIELD	14,465	214,648
SHELBURNE	4,400	230,412
SHERBORN	528,026	190,846
SHIRLEY	4,394,883	1,155,974
SHREWSBURY	19,555,188	2,454,350
SHUTESBURY	604,124	149,413
SOMERSET	5,272,614	1,351,356
SOMERVILLE	20,185,320	22,199,513
SOUTH HADLEY	7,972,049	2,301,106
SOUTHAMPTON	2,561,807	561,406
SOUTHBOROUGH	2,804,288	385,362
SOUTHBRIDGE	15,992,431	3,099,657
SOUTHWICK	0	1,111,391
SPENCER	8,070	1,992,823

Municipality	Chapter 70	Unrestricted General Government Aid
SPRINGFIELD	272,396,465	33,354,581
STERLING	0	610,830
STOCKBRIDGE	0	87,826
STONEHAM	3,515,493	3,274,505
STOUGHTON	12,923,139	2,821,431
STOW	0	370,906
STURBRIDGE	2,363,162	682,609
SUDBURY	4,444,105	1,233,349
SUNDERLAND	873,519	445,329
SUTTON	5,390,120	687,780
SWAMPSCOTT	2,709,030	1,140,460
SWANSEA	4,981,848	1,654,825
TAUNTON	46,564,560	7,410,543
TEMPLETON	0	1,228,627
TEWKSBURY	13,011,879	2,452,240
TISBURY	402,050	86,395
TOLLAND	0	16,284
TOPSFIELD	1,083,775	540,420
TOWNSEND	0	1,157,942
TRURO	259,303	26,506
TYNGSBOROUGH	7,352,623	851,475
TYRINGHAM	37,209	11,186
UPTON	25,670	469,089
UXBRIDGE	9,453,474	1,212,326
WAKEFIELD	5,065,190	2,968,230
WALES	703,010	208,107
WALPOLE	7,507,494	2,245,510
WALTHAM	7,466,622	8,460,794
WARE	8,202,692	1,521,125
WAREHAM	12,914,328	1,743,225
WARREN	0	797,143
WARWICK	0	112,054
WASHINGTON	11,705	83,219
WATERTOWN	3,416,570	5,876,962
WAYLAND	3,322,155	796,429
WEBSTER	10,046,365	2,181,494
WELLESLEY	7,608,031	1,141,372
WELLFLEET	154,572	51,499
WENDELL	0	153,551
WENHAM	0	377,404
WEST BOYLSTON	2,962,652	702,001
WEST BRIDGEWATER	2,359,519	576,156
WEST BROOKFIELD	209,737	429,141
WEST NEWBURY	0	261,065
WEST SPRINGFIELD	18,940,208	3,157,733
WEST STOCKBRIDGE	0	85,667
WEST TISBURY	0	163,654

General Appropriation Bill.

Municipality	Chapter 70	Unrestricted General Government Aid
WESTBOROUGH	4,443,157	1,021,005
WESTFIELD	34,381,447	5,546,600
WESTFORD	16,755,562	1,872,441
WESTHAMPTON	467,361	127,674
WESTMINSTER	0	576,774
WESTON	2,556,275	329,574
WESTPORT	4,388,806	1,071,932
WESTWOOD	3,990,013	642,792
WEYMOUTH	23,839,936	7,682,608
WHATELY	250,063	118,242
WHITMAN	117,046	2,133,498
WILBRAHAM	0	1,289,488
WILLIAMSBURG	430,604	266,748
WILLIAMSTOWN	945,841	841,200
WILMINGTON	10,304,346	2,190,871
WINCHENDON	11,741,882	1,482,275
WINCHESTER	5,927,107	1,303,615
WINDSOR	48,143	91,497
WINTHROP	5,080,860	3,714,357
WOBURN	6,573,988	5,274,775
WORCESTER	192,784,395	36,614,610
WORTHINGTON	60,179	110,672
WRENTHAM	3,738,425	821,444
YARMOUTH	4,765	1,112,429
Total Municipal Aid	**3,407,863,689**	**936,437,803**

Regional School District	Chapter 70
ACTON BOXBOROUGH	7,362,007
ADAMS CHESHIRE	10,258,874
AMHERST PELHAM	9,685,959
ASHBURNHAM WESTMINSTER	10,495,815
ASSABET VALLEY	2,934,442
ATHOL ROYALSTON	17,928,042
BERKSHIRE HILLS	2,807,290
BERLIN BOYLSTON	921,023
BLACKSTONE MILLVILLE	11,104,016
BLACKSTONE VALLEY	7,631,018
BLUE HILLS	4,035,092
BRIDGEWATER RAYNHAM	21,180,680
BRISTOL COUNTY	3,115,501
BRISTOL PLYMOUTH	9,934,837
CAPE COD	2,134,684
CENTRAL BERKSHIRE	8,805,818
CHESTERFIELD GOSHEN	757,346

Regional School District	**Chapter 70**
CONCORD CARLISLE	1,886,888
DENNIS YARMOUTH	6,764,640
DIGHTON REHOBOTH	12,880,094
DOVER SHERBORN	1,436,198
DUDLEY CHARLTON	24,811,105
ESSEX COUNTY	4,228,553
FARMINGTON RIVER	405,970
FRANKLIN COUNTY	3,453,126
FREETOWN LAKEVILLE	7,413,773
FRONTIER	2,857,269
GATEWAY	5,866,604
GILL MONTAGUE	6,304,363
GREATER FALL RIVER	14,264,378
GREATER LAWRENCE	20,988,571
GREATER LOWELL	21,164,073
GREATER NEW BEDFORD	22,754,068
GROTON DUNSTABLE	10,858,434
HAMILTON WENHAM	3,436,056
HAMPDEN WILBRAHAM	11,731,872
HAMPSHIRE	3,256,745
HAWLEMONT	637,772
KING PHILIP	7,421,505
LINCOLN SUDBURY	2,655,570
MANCHESTER ESSEX	1,684,043
MARTHAS VINEYARD	2,843,504
MASCONOMET	4,951,222
MENDON UPTON	12,525,437
MINUTEMAN	2,249,201
MOHAWK TRAIL	6,136,890
MONTACHUSETT	12,752,207
MOUNT GREYLOCK	1,741,351
NARRAGANSETT	10,148,997
NASHOBA	6,473,631
NASHOBA VALLEY	3,268,772
NAUSET	3,384,747
NEW SALEM WENDELL	656,374
NORFOLK COUNTY	1,029,044
NORTH MIDDLESEX	20,604,743
NORTH SHORE	1,616,769
NORTHAMPTON SMITH	935,567
NORTHBORO SOUTHBORO	2,874,614
NORTHEAST METROPOLITAN	8,270,551
NORTHERN BERKSHIRE	4,432,287
OLD COLONY	3,337,927
OLD ROCHESTER	2,070,404
PATHFINDER	5,011,306
PENTUCKET	13,226,986
PIONEER	4,195,800
QUABBIN	16,979,189
QUABOAG	8,335,277

General Appropriation Bill.

Regional School District	Chapter 70	
RALPH C MAHAR	5,551,073	
SHAWSHEEN VALLEY	5,804,741	
SILVER LAKE	6,955,469	
SOUTH MIDDLESEX	2,548,930	
SOUTH SHORE	3,742,793	
SOUTHEASTERN	12,752,612	
SOUTHERN BERKSHIRE	1,900,305	
SOUTHERN WORCESTER	9,511,006	
SOUTHWICK TOLLAND	8,645,326	
SPENCER EAST BROOKFIELD	13,983,163	
TANTASQUA	7,904,757	
TRI COUNTY	5,319,115	
TRITON	8,568,933	
UPISLAND	825,674	
UPPER CAPE COD	3,008,736	
WACHUSETT	22,543,957	
WHITMAN HANSON	24,106,626	
WHITTIER	6,480,442	
Total Regional Aid	**640,460,569**	
Total Municipal and Regional Aid	**4,048,324,258**	**936,437,803”.**

Pending the question on adoption of the amendments, Mr. Murphy of Burlington moved to amend them by striking out the text of said amendments [at “A”] and inserting in place thereof the following “by adding the following section:—

SECTION 87. (a) The state treasurer shall furnish a study regarding the impact of increasing the appropriation for line item 1233-2350 in section 2 for fiscal year 2011 from $898,980,293 to $936,437,803 and item 7061-0008 from $3,851,193,043 to $4,048,324,258. The study shall include the effect of the increase on school aid, the impact on taxpayers of varying income levels, any anticipated change in employment and the cost and benefit to the commonwealth and its cities and towns. The treasurer shall report to the house and senate committees on ways and means and the joint committee on education not later than November 1, 2010.

(b) Notwithstanding any general or special law to the contrary, for the fiscal year ending June 30, 2011 the distribution to cities and towns of the balance of the State Lottery Fund, as paid from the General Fund in accordance with clause (c) of the second paragraph of section 35 of chapter 10 of the General Laws, and additional funds from the General Fund shall be $936,437,803, and shall be apportioned to the cities and towns in accordance with this section. Notwithstanding section 2 of chapter 70 of the General Laws or any other general or special law to the contrary, except for section 12B of chapter 76 and section 89 of chapter 71 of the General Laws, for fiscal year 2011 the total amounts to be distributed and paid to each city and town from item 7061-0008 of section 2 shall be as set forth in the following lists. The specified amounts to be distributed from said item 7061-0008 of

said section 2 shall be in full satisfaction of the amounts due under chapter 70 of the General Laws.

(c) The provisions of subsection (b) shall not take effect until such time as the state treasurer has furnished a study of its impact on cities and towns in the commonwealth, including, but not limited to, an analysis showing the impact on the amounts to be distributed to each city and town in accordance with subsection (b) to the house and senate committees on ways and means and until legislation has been filed and passed pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution.".

Further amendment adopted,— yea and nay No. 382.

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays at the request of Mr. Peterson of Grafton; and on the roll call 114 members voted in the affirmative and 44 in the negative.

[See Yea and Nay No. 382 in Supplement.]

Therefore the further amendment was adopted, thus precluding a vote on the pending amendments offered by Mr. Jones of North Reading and other members of the House.

Mr. Quinn of Dartmouth and other members of the House then moved that the bill be amended [A] in section 2, in item 7070-0065, in line 3, by striking out the following "or independent"; and in said item by striking out the figures "$87,837,028" and inserting in palace thereof the figures "$67,837,028".

Pending the question on adoption of the amendments, Mr. Quinn moved to amend them by striking out the text of said amendments [at "A"] and inserting in place thereof the following "by adding the following section:—

SECTION 88. Notwithstanding any general or special law to the contrary, there shall be a 5 member commission to study and make recommendations regarding the appropriation of public funds directly or indirectly to private higher education institutions. The commission shall review all direct and indirect state funding to private higher education institutions and make recommendations regarding the commonwealth's ability to continue to fund these private entities. The commission shall be comprised of 5 members, 2 of whom shall be appointed by the speaker of the house of representatives, 2 of whom shall be appointed by the president of the senate and 1 of whom shall be appointed by the governor. The report shall be filed with the house and senate committees on ways and means no later than November 1, 2010.".

The further amendment was adopted, thus precluding a vote on the pending amendments.

Mr. Quinn of Dartmouth and other members of the House then moved to amend the bill [A] in section 2, in item 7100-0200, by adding the following "; provided further, that the University of Massachusetts campuses located at Amherst, Boston, Dartmouth and Lowell shall be allocated funds based on an equivalent per pupil basis notwithstanding any general or special law to the contrary or any internal University of Massachusetts regulation".

Pending the question on adoption of the amendment, Mr. Quinn moved to amend it by striking out the text of said amendment [at "A"] and inserting in place thereof the following "by adding the following section:—

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SECTION 89. Notwithstanding any general or special law to the contrary, there shall be a 5 member commission to study and make recommendations regarding the allocation of public funds to the University of Massachusetts campuses located at Amherst, Boston, Dartmouth and Lowell on a per pupil basis. The commission shall report on the equity in funding on a pupil basis. The commission shall be comprised of 5 members, 2 of whom shall be appointed by the speaker of the house of representatives, 2 of whom shall be appointed by the president of the senate and 1 of whom shall be appointed by the governor. The report shall be filed with the house and senate committees on ways and means no later than November 1, 2010.".

The further amendment was adopted, thus precluding a vote on the pending amendment.

Mr. Sánchez of Boston then moved to amend the bill by adding the following section:

"SECTION 90. Section 6 of chapter 118G of the of the General Laws, as most recently amended by section 77 of chapter 27 of the Acts of 2009, is hereby amended by inserting after the sixth paragraph the following paragraph:—

If a private health care payer fails to submit required data to the division on a timely basis, the division shall provide written notice to the payer. A payer that fails, without just cause, to provide the required information within two weeks following receipt of the written notice may be required to pay a penalty of $1,000 for each week of delay; provided, however, that the maximum annual penalty under this section shall be $50,000.".

The amendment was adopted.

Mr. Alicea of Charlton and other members of the House then moved to amend the bill by adding the following section:

"SECTION 91. Section 2D of Chapter 90 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting the following section:—

The registrar is hereby authorized and empowered to design, issue and regulate the use of temporary registration plates. Such temporary plates may be issued to persons who are temporarily visiting, employed or residing within the Commonwealth but are not legal residents of the state. Upon application and payment of the fees prescribed in this section, said plates may be issued by the registry, and shall be valid for not more than 30 days. The temporary registration plate may be renewed up to two times for an additional 30-day period, after which the applicant shall apply for a permanent registration if there is a further need to remain in this state. The fee for the 30-day temporary registration plate shall be $25, and an additional $25 fee shall be applied for each subsequent 30-day renewal.".

The amendment was rejected.

Mr. Alicea and other members of the House then moved to amend the bill by adding the following section:

"SECTION 91. Chapter 6C of the General Laws is hereby amended by inserting after section 6C the following section:—

Section 56A. (a) The administrator shall, prior to a decision made by the registrar to close or move the location of a branch, site or office which serves the public, he shall notify the city or town in which the

branch, site or office is located, no less than 60 days prior to said decision by certified mail return receipt requested.

(b) Said administrator shall also hold a public hearing no less than 60 days after the proposed closing or moving of said branch, site or office. Said hearing shall be held in the city or town in which the branch, site or office is located. The registry of motor vehicles shall notify the city or town no less than 30 days prior to said public hearing by certified mail by return receipt requested and advertise in a local newspaper the time and the location of the scheduled public hearing no less than 4 weeks prior to said public hearing. Notification of said public hearing shall appear no less than 1 time each week for such 4 week time period.".

The amendment was rejected.

Ms. Khan of Newton and other members of the House then moved to amend the bill in section 2, in item 0321-2100, by striking out the figures "$840,000" and inserting in place thereof the figures "$902,016".

The amendment was adopted.

Quorum.

After an extended period of time Mr. Jones of North Reading asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum roll call,—yea and nay No. 383.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 144 members were recorded as being in attendance.

[See Yea and Nay No. 383 in Supplement.]

Therefore a quorum was present.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by adding the following section:

"SECTION 91. Chapter 29 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after section 5G the following section:

Section 5H. Notwithstanding any general or special law to the contrary, the comptroller shall, on or before July 31st, transfer 50 per cent of the tax revenue amount that exceeds the latest revenue estimate made by the commissioner for the preceding fiscal year, as promulgated by the sixth paragraph of section 5B, to the General Fund; provided, the amount of the transfer shall be distributed to cities and towns in accordance with clause (c) of the second paragraph of section 35 of chapter 10; provided, the distribution shall be reported in a conspicuous manner on the official website of the division of local services.".

Pending the question on adoption of the amendment, Mr. Kulik of Worthington moved to amend it by adding the following paragraph:

"The provisions of this section shall not take effect until such time as the state treasurer has furnished a study of its impact on cities and towns in the commonwealth, including, but not limited to, an analysis showing the impact on the amounts to be distributed to each city and town in accordance with subsection (a), and the department of revenue has furnished study of its impact on the state's economy and revenue cost to the commonwealth and its cities and towns, including, but not limited to, a distributional analysis showing the impact on taxpayers of varying income levels, the current practice of other states, any antici-

pated change in employment and ancillary economic activity to the house and senate committees on ways and means and until legislation has been filed and passed pursuant to Part 2, Chap. 1, Sec. 1, Art II of the Constitution.".

Quorum.

After debate on the question on adoption of the further amendment, Mr. Jones of North Reading asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum roll call,—yea and nay No. 384.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 148 members were recorded as being in attendance.

[See Yea and Nay No. 384 in Supplement.]

Therefore a quorum was present.

Further amendment adopted,—yea and nay No. 385.

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays at the request of Mr. Peterson of Grafton; and on the roll call 102 members voted in the affirmative and 56 in the negative.

[See Yea and Nay No. 385 in Supplement.]

Therefore the further amendment was adopted.

Subsequently a statement of Mr. Atsalis of Barnstable was spread upon the records, as follows:

Statement of Mr. Atsalis of Barnstable.

"MR. SPEAKER: I would like to call to the attention of the House the fact that I was not present in the House Chamber during the previous roll call due to official business outside of the State House. Had I been present, I would have voted in the affirmative.".

The amendment, as amended, then also was adopted.

Suspension of Rule 1A.

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

Rule 1A suspended,—yea and nay No. 386.

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 129 members voted in the affirmative and 29 in the negative.

[See Yea and Nay No. 386 in Supplement.]

Therefore Rule 1A was suspended.

After remarks Ms. Polito of Shrewsbury moved to amend the bill by adding the following section:

"SECTION 92. Notwithstanding any general or special law to the contrary, in the event that all taxable revenue of the commonwealth which is available for appropriation or supplemental appropriation for the fiscal year ending June 30, 2011 exceeds $19,050,000, as certified by the treasurer and the comptroller, not less than 75 percent of such excess taxable revenue up to a total of $234,000,000 shall be used in addition to the balance of the state lottery fund for distribution to cities and towns in accordance with the provisions of clause (c) of section 35 of chapter 10; provided, that that the treasurer shall notify the clerks of the House of Representatives and the Senate and the commissioner of administration of any such distribution not more than 30 days after it occurs; and provided further, that for purposes of this section, the term 'excess taxable revenue' shall not include any funds payable to or received by the commonwealth which are directly attributable to any

change in general or special law enacted after January 1, 2010 and which enhance taxable revenue of the commonwealth.”.

Mr. Bradley of Hingham thereupon raised a point of order that the amendment offered by the lady from Shrewsbury was improperly before the House for the reason that the House had previously addressed the subject-matter contained in the amendment offered by Ms. Polito when it adopted an amendment offered by Mr. Jones of North Reading (adding section 91). Point of order.

The Chair (Mr. Petrolati of Ludlow) ruled that the point of order was well taken; and the amendment was laid aside accordingly.

Mr. Frost of Auburn thereupon appealed from the decision of the Chair; and the appeal was seconded by Mr. Perry of Sandwich. Appeal from decision of Chair.

The question was then put “Shall the decision of the Chair stand as the judgment of the House?”.

Mr. Perry thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum. Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 157 members were recorded as being in attendance. Quorum roll call,— yea and nay No. 387.

[See Yea and Nay No. 387 in Supplement.]

Therefore a quorum was present.

After remarks on the appeal from the decision of the Chair, the sense of the sense of the House was taken by yeas and nays, at the request of Mr. Frost of Auburn; and on the roll call 141 members voted in the affirmative and 16 in the negative. Decision of Chair sustained,— yea and nay No. 388.

[See Yea and Nay No. 388 in Supplement.]

Therefore the decision of the Chair was sustained.

Mr. Hargraves of Groton then moved to amend the bill by adding the following section:

“SECTION 92. Chapter 112 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after section 12CC the following section:—

Section 12DD. As used in this section, long-term antibiotic therapy shall be the administration of oral, intramuscular or intravenous antibiotics singly or in combination, for periods of time in excess of 4 weeks. Lyme disease is the clinical diagnosis by a physician licensed under section 2 of chapter 112 of the presence in a patient of signs or symptoms compatible with acute infection with *Borrelia burgdorferi* or with late stage or persistent or chronic infection with *Borrelia burgdorferi* or with complications related to such infection or with such other strains of *Borrelia* that after adoption of this bill, are recognized by the national Centers for Disease Control and Prevention (CDC) as a cause of Lyme disease. Lyme disease includes an infection that meets the surveillance criteria set forth by said CDC, and it also includes a clinical diagnosis of Lyme disease that does not meet the CDC surveillance criteria but includes other acute and chronic signs and/or symptoms of Lyme disease as determined by the treating physician. Such clinical diagnosis is based on knowledge obtained through medical history and physical examination alone, or in conjunction with testing that provides supportive data for such clinical diagnosis.

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A licensed physician may prescribe, administer or dispense long-term antibiotic therapy for a therapeutic purpose that eliminates such infection or controls a patient's symptoms upon making a clinical diagnosis that such patient has Lyme disease or displays symptoms consistent with a clinical diagnosis of Lyme disease, provided such clinical diagnosis and treatment are documented in the patient's medical record by such licensed physician.".

The amendment was adopted.

Mr. Webster of Pembroke then moved to amend the bill by adding the following section:

"SECTION 93. Section 3 of chapter 176Q of the General Laws is hereby amended by inserting after subsection (t) the following paragraph:—

Nothing in this section shall be construed as to authorize the Connector to actively solicit potential participants in their health insurance plans if such participants already have coverage for such plans from private companies.".

The amendment was adopted.

Mr. Wagner of Chicopee then moved to amend the bill by adding the following section:

"SECTION 94. The department of revenue shall submit a report to the house and senate committees on ways and means on the planned encrypted digital tax stamp system, to be implemented pursuant to section 7B of chapter 64C and section 3A of chapter 64H of the general laws, prior to the implementation of said section. The report shall include a detailed analysis of the department's financing plan for the encrypted digital tax stamp system which shall include, but not be limited to, the department's estimates of the cost of the acquisition and installation of the new equipment and the ongoing costs of maintaining and operating the equipment, including any annual service contract required. The report shall also include the estimated net revenue increase projected to be realized by the commonwealth as a result of the new encrypted digital tax stamp system, a study of any prepayment by or credit to the wholesalers under said chapter 3A of Chapter 64H, and a report by the department in the area of tobacco tax enforcement.".

The amendment was adopted.

Mr. Torrisi of North Andover then moved to amend the bill in section 30, in line 222, by inserting after the word "inclusive" the following "; provided that the Commonwealth Health Insurance Connector Authority, the Executive Office of Health and Human Services, and the Office of Administration and Finance make all reasonable efforts that said health insurance plan or plans authorized by this section offer patient access to those acute care hospitals, related physicians, and health centers that have historically served a large proportion of this patient population prior to fiscal year 2010".

The amendment was adopted.

Mr. Peterson of Grafton and other members of the House then moved to amend the bill by adding the following section:

"SECTION 95. Subsection (b) of section 188 of chapter 149 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by adding the following sentence:— Any employee who has

health care coverage via a qualifying health insurance plan from a spouse, parent, veteran's plan, Medicare, Medicaid or a plan or plans due to the disability or retirement shall not be included in the calculation for the fair share employer contribution.".

The amendment was adopted.

Mr. Donato of Medford being in the Chair,— Mrs. Poirier of North Attlebough and other members of the House then moved to amend the bill by adding the following section:

"SECTION 96. Chapter 127 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting, after section 48A, the following section:—

Section 48B. The sheriffs for the various counties may institute a schedule of fees and assess said fees to inmates in their custody as follows:— A daily cost of custodial care fee not to exceed $5; A medical sick call visit fee not related to a condition pre-existing at the time of incarceration not to exceed $5; A dental sick call visit fee not to exceed $5; A pair of prescription eyeglasses fee not to exceed $5; A pharmacy prescription fee not to exceed $3 per prescription. Any penal facility assessing fees shall establish a procedure for inmates to appeal any such assessment. Notwithstanding the above, the following services shall be exempt from fee assessment: admission health screening, 14 day health assessment, emergency health care, hospitalization or infirmary care, prenatal care, lab and diagnostic care, follow-up visits approved by health services, contagious disease care and chronic disease care. No inmate shall be denied access to medical or dental care because of an inability to pay any fee. Indigent inmates shall have the above fees and costs assessed and debited against the inmate's money account which, if not paid, shall remain due and payable as a charge to the inmate after his release from custody. If the inmate is not incarcerated within 2 years of his release from custody, this debt shall be forgiven. This section shall not apply to federal inmates, detainees or regional lock-up inmates. The commissioner and the sheriffs of the various counties shall promulgate rules and regulations for the implementation of this section.

However this section shall not take effect until the sheriff prepares a report indicating financial feasibility of said fee and the secretary of public safety verifies said finding in writing to the sheriff.".

Amendment adopted,— yea and nay No. 389.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Cabral of New Bedford; and on the roll call 106 members voted in the affirmative and 51 in the negative.

[See Yea and Nay No. 389 in Supplement.]

Therefore the amendment was adopted.

Recess.

Recess.

At eight minutes before eleven o'clock P.M. (Thursday, April 29), on motion of Mr. Jones of North Reading (Mr. Donato of Medford being in the Chair), the House recessed until the following day at twelve o'clock noon; and at twenty-two minutes after twelve o'clock (Friday, April 30) the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Friday, April 30, 2010 (at 12:22 o'clock noon).

Pledge of allegiance.

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

Guest of the House.

Former Representative Chandler H. Stevens, Jr.

Mr. Flynn of Bridgewater then took the Chair for the purpose of introducing former Representative Chandler H. Stevens, Jr., a member of the House from 1965 to 1968, inclusive. Mr. Stevens, who was seated in the side-aisle to the right of the rostrum, had been elected to the House twice as an "Independent" from the town of Bedford. Representative Flynn remarked that Mr. Stevens was a graduate of M.I.T. and that he had been a very skilled debater during his tenure in the House.

Report of a Committee.

Brookline,—retired employees.

Mr. Binienda of Worcester, for the committee on Rules, on the Order relative to authorizing the committee on Health Care Financing to make an investigation and study of certain House documents concerning health care (House, No. 4638) reported, in part, a Bill relative to health insurance coverage for retired employees of the town of Brookline (House, No. 4451) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Orders of the Day.

General Appropriation Bill.

The House Bill making appropriations for the fiscal year 2011 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 (House, No. 4600, amended) was considered.

Pending the question on passing the bill, as amended, to be engrossed, Mr. Swan of Springfield moved that the vote be reconsidered by which the House, at the previous session, adopted an amendment (offered by Mrs. Poirier of North Attleborough and other members of the House) adding section 96 (see page 1315); and the motion to reconsider prevailed.

Quorum.

After remarks on the recurring question on adoption of the amendment, Mr. Bradley of Hingham asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum roll call,—yea and nay No. 390.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 151 members were recorded as being in attendance.

[See Yea and Nay No. 390 in Supplement.]

Therefore a quorum was present.

Amendment adopted,—

After debate on the recurring question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request

of Mr. Kaufman of Lexington; and on the roll call 94 members voted in the affirmative and 63 in the negative. yea and nay No. 391.

[See Yea and Nay No. 391 in Supplement.]

Therefore the amendment was adopted.

Mr. Donato of Medford being in the Chair,— Mr. Murphy of Burlington and other members then moved to amend the bill in section 2

In item 0340-1100 by adding the following "; and provided further, that funds shall be expended for the operation and management of the Berkshire County Drug Task Force";

In item 0330-0300, in line 15, by inserting after the word "services" the following "; provided further, that notwithstanding any general or special law to the contrary, the chief justice for administration and management shall submit a report to the joint committee on the judiciary and the house and senate committees on ways and means 120 days prior to the temporary closure or temporary relocation of courthouses; and provided further, that said report shall include, but not be limited to, the transfer of personnel, the reallocation of resources, the impact on other courthouses resulting from the temporary closure of said court and other factors that may affect implementation of said temporary closure";

By inserting after item 1599-7104 the following item:

"1599-1701 For a reserve for the state share of costs to certain municipalities and municipal lighting plants as identified by the Federal Emergency Management Agency for Emergency Declaration 3296 relating to the December 2008 severe winter storm, for the counties of Berkshire, Bristol, Essex, Franklin, Hampden, Hampshire, Middlesex, Suffolk and Worcester ..... $6,300,000";

By striking out item 8324-0000 and inserting in place thereof the following item:

"8324-0000 For the administration of the department of fire services, including the state fire marshal's office, the hazardous materials emergency response program, the board of fire prevention regulations established by section 4 of chapter 22D of the General Laws, the expenses of the fire safety commission, and the Massachusetts firefighting academy, including the Massachusetts fire training council certification program, municipal and non-municipal fire training, and expenses of the council; provided, that the fire training program shall use the split days option; provided further, that the amount allocated for programs providing information about the fire risks caused by smoking, regional dispatch centers, critical incident stress intervention programs, and fire department training academies listed in this item in chapter 182 of the acts of 2008 shall be allocated to each program in fiscal year 2011; provided further, that the amount allocated for hazardous material response teams specifically

General Appropriation Bill.

listed in this item in chapter 27 of the acts of 2009 shall be allocated to each program in fiscal year 2011;provided further, that notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item for the administration of the department of fire services, the state fire marshal's office and the Massachusetts firefighting academy, shall be assessed upon insurance companies writing fire, homeowners multiple peril or commercial multiple peril policies on property situated in the commonwealth and paid within 30 days after receipt of notice of such assessment from the commissioner of insurance; provided further, that notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item for the operation of the hazardous materials emergency response program shall be assessed upon insurance companies writing commercial multiple peril, non-liability portion, policies on property situated in the commonwealth and commercial auto liability policies as referenced in line 5.1 and line 19.4, respectively, in the most recent annual statement on file with the commissioner of insurance; and provided further, that not more than 10 per cent of the amount designated for the arson prevention program shall be expended for the administrative cost of the program ..... $16,661,169";

By striking out item 8800-0200 and inserting in place thereof the following item:

"8800-0200 For the Radiological Emergency Response Program; provided, that the cost of the program, including associated fringe benefits and indirect costs, shall be assessed on electric companies in the commonwealth which own, in whole or in part, or purchase power from, nuclear power plants located outside the commonwealth whose nuclear power plant areas, as defined in section 2B of chapter 639 of the acts of 1950, include communities located within the commonwealth and shall be credited to the General Fund; provided further, that the amount allocated to a program or its successor listed in this item as appearing in section 2 of chapter 27 of the acts of 2009 shall be allocated to the program or its successor again and shall not be reduced by more than 25 per cent in fiscal year 2011; provided further, that the department of public utilities shall develop an equitable method of apportioning such assessments among the licensees; provided further, that such assessments shall be paid during the current fiscal year as provided by the department; and provided further, that for the purposes of this item, .electric companies. shall mean all persons, firms, associations and private corporations which own or operate works or a distributing plant for the man-

ufacture and sale or distribution and sale of electricity within the commonwealth, but shall not include municipalities or municipal light plants ... $337,003";

By striking out item 8900-0001and inserting in place thereof the following item:

"8900-0001 For the operation of the commonwealth's department of correction; provided, that before closing any correctional facility, the commissioner of corrections and the secretary of public safety and homeland security shall report to the house and senate committees on ways and means and public safety on the per-inmate cost of incarceration in the closing facility, and the per-inmate cost in the facilities to which inmates will be moved; provided further, the commissioner of corrections and the secretary of public safety and homeland security shall report to the house and senate committees on ways and means and public safety before January 1 of each year the point score compiled by the department of corrections' objective classification system for all prisoners confined in each prison operated by the department; provided further, that not less than $200,000 shall be expended for the Aid to Incarcerated Mothers Program; and provided further, that in an effort to monitor and reduce current levels of over-classification, the department of correction shall provide quarterly reports to the joint committee on public safety and the house and senate committees on ways and means with data on the number of prisoners at each security level ..... $505,239,805";

By inserting after item 8910-0445 the following two items:

"8910-0446 For the Berkshire sheriff's department which may expend an amount not to exceed $1,000,000 from revenues collected from the city of Pittsfield public school system; provided, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the sheriff's office may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate, as reported in the state accounting system; and provided further, that expenditures from this item shall be subject to chapter 29 of the General Laws and recorded on the Massachusetts management accounting and reporting system $1,000,000;

8910-0447 For the Berkshire sheriff's department which may expend an amount not to exceed $50,000 to match revenues collected from the city of Pittsfield public school system for the operation of the Juvenile Resource Center; provided, that notwith-

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standing any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the sheriff's office may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate, as reported in the state accounting system; and provided further, that expenditures from this item shall be subject to chapter 29 of the General Laws and recorded on the Massachusetts management accounting and reporting system ..... $50,000";

In item 8910-1000, by striking out the figures "$1,844,458" and inserting in place thereof the figures "$2,005,423";

And in item 8910-1112, by striking the figures "$175,000" and inserting in the place thereof the figures "$250,000";

And by adding the following three sections:

"SECTION 97. Section 3 of chapter 32, as appearing in the 2008 Official Edition, is hereby amended by inserting after the words 'district attorneys', in line 300, the following words:— ; provided, however, that district attorneys elected on or after July 1, 2010 shall be employed in such capacity for 10 years or more.

SECTION 98. Section 65D of said chapter 32, as so appearing, is hereby amended by inserting after the word 'office', in line 5, the following words:— and a chief justice or any associate justice of the supreme judicial court.

SECTION 99. Notwithstanding and general or special law to the contrary the administrative office of the trial court shall terminate the property lease at Two Center Plaza, Tremont street in the city of Boston, effective January 1, 2011, and shall be relocated to the Charlestown division of the Boston municipal court; provided, that no funding may be expended for lease costs at Two Center Plaza, Tremont street, in the city of Boston after January 31, 2011 from any item of appropriation in the department of the trial court. The division of capital asset management shall oversee the relocation and refurbishing of the premises at Charlestown district court to accommodate offices of the administrative office of the trial court.".

The amendments were adopted. Mr. Rush of Boston moved that this vote be reconsidered; and the motion to reconsider was negatived.

Ms. Balser of Newton then moved that the bill be amended by adding the following section:

"SECTION 100. The executive office of health and human services shall report to the general court on the implementation of chapter 257 of the acts of 2008. The report shall include information regarding: (i) how current rates for social service programs, as defined in section 22N of chapter 7 of the General Laws, reflect the various factors that the secretary of health and human services shall take into account when setting the rates pursuant to section 2A of chapter 118G of the General Laws; (ii) how the executive office has complied with said chapter 257; (iii) how the executive office determines inflation costs; (iv) the steps that the executive office is taking to set adequate rates for social service programs; (v) how the executive office has addressed the

concerns raised in the executive office of health and human services report dated October 2007, entitled Financial Health of Providers in the Massachusetts Human Service System; and (vi) what regulatory changes have been or could be instituted by the executive office that would reduce costs related to the administration of social service programs. The executive office shall submit its report to the clerks of the house and senate, the house and senate committees on ways and means, the joint committee on health care financing and the joint committee on children, families and persons with disabilities not later than September 1, 2010.".

The amendment was adopted.

Mr. Murphy of Burlington then moved that the vote be reconsidered by which the House, at the previous session (see page 1314), adopted an amendment (offered by Mr. Torrisi of North Andover) in section 30, in line 222, by inserting after the word "inclusive" the following "; provided that the Commonwealth Health Insurance Connector Authority, the Executive Office of Health and Human Services, and the Office of Administration and Finance make all reasonable efforts that said health insurance plan or plans authorized by this section offer patient access to those acute care hospitals, related physicians, and health centers that have historically served a large proportion of this patient population prior to fiscal year 2010".

The motion to reconsider prevailed; and, on the recurring question, the amendment was rejected.

Mr. Hill of Ipswich and other members of the House then moved to amend the bill [A] in section 3, by inserting after the third paragraph (as printed) the following paragraph:

"Notwithstanding any general or special law to the contrary, for fiscal year 2011 the total amounts to be distributed and paid to each city and town from item 7061-0008 of section 2 shall be at a minimum 17.5 percent of their Foundation Budget; provided further, that said funds distributed shall be represented in a separate column on the cherry sheet produced by the department of revenue.".

Pending the question on adoption of the amendment, Mrs. Haddad of Somerset moved to amend it by striking out the text of said amendment [at "A"] and inserting in place thereof the following "by adding at the end thereof the following two sections:

SECTION 101. Clause (1) of section 16 of chapter 12 of the acts of 2010 is hereby amended by inserting after the words 'pursuant to chapter 70' the following:— including a projection of costs associated with bringing all districts currently below their target aid levels up to those targets at equal increments and a proposed schedule to bring all districts to those target aid levels.

SECTION 102. Said section 16 of said chapter 12, as so appearing, is hereby further amended by striking out the word 'December', and inserting in place there of the following word:— March.".

After debate the further amendment was adopted, thus precluding a vote on the pending amendment.

Mr. Murphy of Burlington and other members of the House then moved to amend the bill in section 2, in item 1775-0100, by adding the following "; provided further, that not later than December 31, 2010, the division shall submit a report to the house and senate committees

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on ways and means and the joint committee on education on the policies, procedures and activities of the division associated with the recoupment of funds or reduction of future prices paid to approved private school programs as a result of administrative reviews conducted by the division; provided further, that the report shall include, but not be limited to the following (i) a description of the circumstances under which the department has most commonly exercised its authority to so recoup and reduce, (ii) the correlation of recouping and reducing with the imposition of price freezes imposed on programs in recent years, (iii) the impact of recoupment actions and reductions on the efforts and ability of programs to effectively manage their budgets and maintain fiscal viability during periods of price freezes and other periods of fiscal stress, and (iv) the relationship between recoupment and price reduction activities of the division and the programmatic monitoring activities and program oversight activities of the department of elementary and secondary education";

In item 3000-2000, by adding the following "; and provided further that voucher management, information and referral, and enhanced consumer education shall be provided by the same agency";

In item 3000-3050, in line 9, by inserting after the word "exist" the following "; provided further, that funds may be used to provide services during a transition period of 6 months for families upon closure of their case";

In item 3000-3050, by striking out the figures "$90,286,814" and inserting in place thereof the figures "$89,786,814";

In item 3000-6075, by striking out the figures "$500,000" and inserting in place thereof the figures "$1,000,000";

By striking out item 3000-7050 and inserting in place thereof the following item:

"3000-7050 For grants to programs that improve the early literacy, school readiness and parenting skills of participants in early education and care programs in the commonwealth, including, but not limited to, the Parent-Child Home Program and Reach Out and Read; provided, that the department shall distribute the grants no later than August 31, 2010, in order to allow a full year of service for families involved in these programs; and provided further, that the department shall, to the maximum extent feasible, coordinate services provided through this item with services provided through items 3000-6000 and 3000-7000 in order to ensure that parents receiving services through this item are aware of all opportunities available to them and their children through the department ..... $5,000,000";

In item 7000-9401, by adding the following "; and provided further, that said section 19C of said chapter 78 shall not apply to a municipality with more than 500,000 residents during fiscal year 2011 unless such municipality funds and maintains operations for all branch libraries in service as of January 1, 2010 and funds and maintains staffing levels at its central library as such staffing levels existed on January 1, 2010";

In item 7000-9401, by adding the following "; and provided further, that the board of library commissioners shall provide funds for the continued operation of no fewer than two regional library systems to serve the different geographic regions of the Commonwealth, one of which shall serve eastern Massachusetts and one which shall serve the western Massachusetts regional library system";

In item 7000-9501, in line 16, by inserting after the word "program" the following "; provided further that said section 19A of said chapter 78 shall not apply to a municipality with more than 500,000 residents during fiscal year 2011 unless such municipality funds and maintains operations for all branch libraries in service as of January 1, 2010 and funds and maintains staffing levels at its central library as such staffing levels existed on January 1, 2010";

In item 7006-0140, by adding the following "; and provided further that said section 18D of said chapter 58 shall not apply to a municipality with more than 500,000 residents during fiscal year 2011 unless such municipality funds and maintains operations for all branch libraries in service as of January 1, 2010 and funds and maintains staffing levels at its central library as such staffing levels existed on January 1, 2010";

In item 7009-6379, by striking out the figures "$643,603" and inserting in place thereof the figures "$742,923";

In item 7010-0005, by adding the following "; and provided further, that the department, in collaboration with the commission on gay and lesbian youth established by section 67 of chapter 3 of the General Laws, may allocate funds for programming to ensure public schools' compliance with the board of elementary and secondary education's recommendations which take into account the commission's recommendations, for the support and safety of gay and lesbian students and the implementation of related suicide and violence prevention efforts and reduction of health disparities for GLBT youth";

In item 7010-0033, by striking out the figures "$3,097,940" and inserting in place thereof the figures "$2,347,940";

By inserting after item 7010-0033 the following item:

"7030-1005	For Reading Recovery, a one-to-one, early intervention, individual tutorial literacy program designed as a pre-special education referral and short-term intervention for children who are at risk of failing to read in the first grade; provided, that said program shall provide ongoing documentation and evaluation of results.....	$750,000";

By inserting after item 7061-9612 the following item:

"7061-9614	For the alternative education grant program established pursuant to section 1N of chapter 69 of the General Laws; provided, that the commissioner shall allocate funds for both subsections (a) and (b) of said section 1N of said chapter 69; and provided further, that no funds shall be expended for personnel costs	$200,000";

In item 7061-0012, in lines 13, 14 and 15, by striking out the words "that the department shall make funds available to the department of developmental services for the voluntary residential placement preven-

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tion program administered by that department" and inserting in place thereof the following "that the department shall make no less than $6,500,000 available to the department of developmental services for the voluntary residential placement program administered by the department"; and in said item, in lines 21 and 22, by striking out the words "for the cost of borrowing audio textbooks by special education students" and inserting in place thereof the following "for the costs of borrowing human speech audio textbooks by special education students in schools identified for improvement, corrective action or restructuring";

In item 7061-9010, by striking out the figures "$74,082,992" and inserting in place thereof the figures "$71,554,914";

In item 7061-9408, in line 84, by inserting after the word "months" the following "; provided further, that in carrying out the provisions of this item, the department may contract with vendors that have an established record of working with schools to target and enhance middle school academic support services; provided further, that the department shall give priority to programs that have the capacity to serve not less than 25 per cent of a district's middle school population, make available documentation of a minimum of $1 in private sector local or federal funds for every $1 in state funds and extend the learning day for students on site in the same building where students attend school during the day by a minimum of 10 hours per school week; provided further, that said programs shall have conducted at least 1 independent longitudinal study demonstrating gains in student performance in any of the following areas: MCAS scores, school attendance, student grades or long-term high school graduation rates, teach students in groups with ratios no larger than 1 teacher to 18 students or integrate an extended school faculty which includes an on-site leader; provided further, that said program shall develop data sharing agreements and memoranda of understanding with middle schools to ensure the timely and effective sharing of grade progress and other formative or diagnostic measurements of student progress";

In item 7061-9412, in line 31, by striking out the word "evaluate" and inserting in place thereof the word "support";

In item 7061-9600, in line 7, by inserting after the word "and" the following "; in the case of students ages 18 to 19, will be limited to students with severe disabilities who"; in said item, in line 36, by inserting after the word "personnel" the following "employed by the department of elementary and secondary education";

In item 7066-0009, by striking out the figures "$346,245" and inserting in place thereof the figures "$367,500";

In item 7077-0023, in lines 2, 3 and 4, by striking out the words "under the Massachusetts resident veterinary tuition remission plan submitted January 8, 1998," and in said item by adding the words "in consultation with Massachusetts emergency authorities"; and

In item 7100-0200, in line 9, by inserting after the word "maintenance" the words "[A]; provided further, that the University of Massachusetts shall expend funds for the operation of the department of higher education's commonwealth college honors program at the University of Massachusetts Amherst, for capital lease payments from the University of Massachusetts to the Massachusetts Development Finance

Agency and for annual operations of the advanced technology and manufacturing center in Fall River and for the operation of the Future of Work Research Initiative at the University of Massachusetts Labor Centers at Amherst, Boston, Dartmouth and Lowell campuses" [B];

and by adding the following three sections:

"SECTION 103. Chapter 773 of acts of 1960 is hereby amended by inserting after section 17 the following section:—

Section 17A. The Authority may indemnify and defend present and past members, officers and employees of the Authority against liabilities, claims, actions, suits, demands, judgments, reasonable costs and expenses, including reasonable legal expenses, in connection with an actual or threatened suit or proceeding, including any compromise or settlement thereof approved by the Authority, arising by reason of any act or omission of such person within the scope of such person's employment, official duties or responsibilities for the Authority; provided, however, that no indemnification shall be provided concerning a matter as to which such person acted with: (1) malice; (2) without a reasonable good faith belief that such person's conduct was in the best interest of the Authority; or (3)with the knowledge that such person's conduct was unlawful. The Authority may procure insurance for itself and for its members, officers and employees against liabilities, losses and expenses which may be incurred by virtue of this section or otherwise.

SECTION 104. Notwithstanding any general of special law to the contrary, the department of elementary and secondary education shall develop a plan for any city or town that has enrolled more than 25 new Haitian students since January 2010 due to the crisis in Haiti. The report shall include, but not be limited to, the per pupil cost and the per pupil cost of counseling and interpretive services; provided further, that no later than December 31, 2010, the plan shall be submitted to the speaker of the house of representatives, the president of the senate, the house and senate committees on ways and means and the joint committee on education.

SECTION 105. Notwithstanding any general or special law to the contrary, Framingham State College, with the approval of the executive office for administration and finance and the board of higher education, may borrow an amount not to exceed $10,000,000 through the Massachusetts Health and Educational Facilities Authority or any other authorized funding source for support of the division of capital asset and management-studied upgrade of science and academic facilities project [C].".

Pending the question on adoption of the amendments, Mr. Murphy of Burlington moved to amend them in item 7100-0200, by striking out [at "A"] the following words "provided further, that the University of Massachusetts shall expend funds for the operation of the department of higher education's commonwealth college honors program at the University of Massachusetts Amherst" and inserting in place thereof the following words "provided further, that the department of higher education's commonwealth college honors program at the University of Massachusetts Amherst shall be operated at a funding level not less than the funding level at which it operated in fiscal year 2010"; and in said item 7100-0200, by striking out [at "B"] the word "; and" and

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inserting in place thereof the following "and also in said item by striking out the figures '$418,671,908' and inserting in place thereof the figures $419,171,908; and".

The further amendments were adopted.

Mr. Falzone of Saugus then moved that the amendments be amended by adding at the end of proposed section 105 by inserting after the word "project" [at "C"] the following "; provided further, that the house of representatives shall commission a study by the Legislature Library Caucus to assess the costs, benefits, and impact of changes in regional library systems in the commonwealth and to provide a recommendation on the role of the library of last recourse with regards to funding, jurisdiction and purpose".

The further amendment was adopted; and the pending amendments, as amended, then also were adopted.

Mr. Murphy of Burlington and other members of the House then moved to amend the bill in section 2, in item 7002-0200, by striking out the figures "$1,648,127" and inserting in place thereof the figures "$1,770,497";

In item 7002-0201, by striking out the figures "$252,850" and inserting in place thereof the figures "$452,850";

By striking out item 7003-0702 and inserting in place thereof the following item:

"[A]7003-0702 For State Service Corps grants to be administered by the Massachusetts Service Alliance; provided, that not less than $135,000 shall be expended for Just-A-Start Corporation to provide training for entry level employment in the biotech and medical fields for 30 unemployed, underemployed or displaced workers, or persons receiving benefits from transitional aid to families with dependent children; provided further, that not less than $125,000 shall be expended for the Center for Women and Enterprise; provided further, that not less than $250,000 shall be expended for the North Shore Alliance for Economic Development; and provided further, that not less than $100,000 shall be expended for the Massachusetts Latino Chamber of Commerce in western Massachusetts ..... $1,360,000";

In item 7004-0099, by adding the following "; and provided further, that the department shall, on or before September 1, 2010, promulgate regulations clarifying that a household that otherwise qualifies for any preference or priority for state subsidized housing or rental assistance based on homeless or at-risk status shall retain that preference or priority notwithstanding receipt of rental assistance that is intended to be temporary, including, but not limited to, temporary or bridge subsidies provided with state funds";

By striking out item 7004-0101 and inserting in place thereof the following item:

"7004-0101 For certain expenses of the emergency assistance program as follows: (i) contracted family shelters; (ii) transitional housing that may include temporary rental assistance and stabilization ser-

vices to bridge families to permanent housing at a lesser cost than shelter; (iii) short term housing assistance; and (iv) programs to reduce or prevent homelessness; provided, that eligibility shall be limited to families with income at or below 115 per cent of the 2009 or later-issued higher federal poverty level; provided, however, that any family whose income exceeds 115 per cent of the federal poverty level while the family is receiving assistance funded by this item shall not become ineligible for assistance due to exceeding the income limit for a period of 6 months from the date that the 115 per cent level was exceeded; provided further, that the department shall establish reasonable requirements for such families to escrow a portion of their income; provided further, that any such escrowed funds shall be exempt from otherwise applicable asset limits; provided further, that the family may withdraw the amount placed in escrow upon transition to permanent housing or losing eligibility for shelter services; provided further, that benefits under this item shall be provided only to residents who are citizens of the United States or aliens lawfully admitted for permanent residence or otherwise permanently residing under color of law in the United States; provided further, that the department shall take all steps necessary to enforce regulations to prevent abuse in the emergency assistance program; provided further, that no emergency assistance expenditures shall be paid from this item unless explicitly authorized; provided further, that eligible households shall be placed in shelters as close as possible to their home community unless a household requests otherwise; provided further, that if the closest available placement is not within 20 miles of the household's home community, the household shall be transferred to an appropriate shelter within 20 miles of its home community at the earliest possible date unless the household requests otherwise; provided further, that eligibility for shelter by an otherwise eligible family shall not be impaired by prior receipt of any non-shelter benefit; provided further, that the department shall make every effort to ensure that children receiving services from this item shall continue attending school in the community in which they lived prior to receiving services funded from this item; provided further, that should a family with a child under the age of 4 be placed in a hotel or motel, the department of housing and community development shall ensure that the hotel or motel provides a crib for each child under the age of 4 that meets all state and federal safety codes; provided further, that notwithstanding any other general or special law to the contrary, the department shall immediately

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provide shelter for up to 30 days to families who appear to be eligible for such shelter based on statements provided by the family and any other information in the possession of the department but who need additional time to obtain any third-party verifications reasonably required by the department; provided further, that shelter benefits received under the preceding proviso shall not render a family ineligible under any regulation providing that a family who previously received shelter is ineligible for shelter benefits for a period of 12 months; provided further, that families receiving such shelter benefits who are found not to be eligible for continuing shelter benefits shall be eligible for aid pending a timely appeal pursuant to chapter 23B of the General Laws; provided further, that the department shall not impose unreasonable requirements for third-party verification and shall accept verifications from the family whenever reasonable; provided further, that in promulgating, amending or rescinding regulations with respect to eligibility or benefits under this program, the department shall take into account the amounts available to it for expenditure in this item so as not to exceed the amount appropriated in this item; provided further, that notwithstanding any general or special law to the contrary, 90 days before promulgating any such eligibility or benefit changes, the undersecretary shall file with the house and senate committees on ways and means and with the clerks of the house of representatives and the senate a determination by the secretary of the executive office of housing and economic development that available appropriations for the program will be insufficient to meet projected expenses and a report setting forth such proposed changes; provided further, that in fiscal year 2011, no such determination and report shall be filed prior to December 5, 2010; provided further, that all of this item shall be subject to appropriation and, in the event of a deficiency, nothing in this item shall give rise to or shall be construed as giving rise to any enforceable right or entitlement to services in excess of the amounts appropriated by this item; provided further, that the department shall report quarterly to the house and senate committees on ways and means on the emergency assistance family shelter program; provided further, that the report shall contain the same data required in item 4403-2120 of section 2 of chapter 139 of the acts of 2006 and in addition shall include the number of families served with transitional housing or short term housing assistance, the nature of such assistance provided, the average, minimum and maximum cost of such assistance, how many of the families so served required further assistance at a later

date, the type of assistance later required and provided, and the current housing stability of each family who received transitional housing or short term housing assistance within the prior 18 months; and provided further, the Department of Housing and Community Development shall notify local school departments of the placement of a family in its district within seven days of placement ..... $112,910,773";

By striking out item 7004-0102 and inserting in place thereof the following item:

"7004-0102 For the department of housing and community development; provided, that the department shall, in consultation with the interagency council on housing and homelessness and 3 agencies funded under this item in fiscal year 2010 that provide services in eastern, central and western Massachusetts, respectively, conduct a study and develop recommendations to standardize shelter contract rates across each of said geographic regions to effectively combat the differences in operating requirements across the commonwealth; provided further, that the report shall be provided to the secretary of administration and finance and the chairs of the house and senate committees on ways and means no later than September 30, 2010; provided further, that funds may be expended for the continued operation of the homeless resource center; provided further, that programs that currently provide shelter may renegotiate how they will use their shelter fund, with the agreement of the department and the host cities or towns, to provide alternative services that have proven to be effective including housing first models, transitional housing and diversion away from shelters; and provided further, that funds may be expended for a 16-bed year-round nonprofit men's shelter program for the chronically mentally ill homeless that provides individualized case management, including job search assistance ..... $37,643,335";

In item 7004-0105, in line 7, by inserting after the word "shelters" the following "; including hotels and motels,";

In item 7006-0040, by adding the following "; and provided further, that the division shall maintain and staff an office in the city of Springfield"; and

In item 7007-1000, by striking out the figures "$2,250,000" and inserting in place thereof the figures "$2,500,000"; and

By adding the following section:

"SECTION 106. Chapter 111 of the General Laws is hereby amended by inserting after section 5A the following section:—

Section 5A½. There is hereby established and set up on the books of the commonwealth a separate trust fund to be known as the Emergency Stockpile Trust Fund for the purpose of effectively facilitating emergency management and pandemic preparedness in accordance with

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section 5A. The fund shall consist of monies collected from cities, counties and other entities pursuant to this section and any income derived from the investing of amounts credited to the fund. The department shall accept funds provided by municipalities, counties, healthcare facilities and other entities for the purpose of participating in federal contracts under 42 U.S.C. §247d-6b and made available to states under 42 U.S.C. §247d-3a. All monies deposited into the trust fund shall be expended on behalf of the contributing municipalities, counties or healthcare facilities for the purchase of health care products and supplies needed for the purposes set forth in the commonwealth's comprehensive emergency management plan and made available under contracts accessible to the commonwealth under 42 U.S.C. §247d-3a. All monies deposited into the fund shall be expended exclusively for the purposes set forth in this section.".

Pending the question on adoption of the amendments, Mr. Murphy of Burlington moved to amend them by striking out [at "A"] proposed item 7003-0702 (see page 1326) and inserting in place thereof the following item:

"7003-0702 For State Service Corps grants to be administered by the Massachusetts Service Alliance; provided, that not less than $135,000 shall be expended for Just-A-Start Corporation to provide training for entry level employment in the biotech and medical fields for 30 unemployed, underemployed or displaced workers, or persons receiving benefits from transitional aid to families with dependent children; provided further, that not less than $125,000 shall be expended for the Center for Women and Enterprise; provided further, that not less than $400,000 shall be expended for a competitive grant program to promote the 8 regional economic development corporations, councils and partnerships across the commonwealth; provided further, that not less than $85,000 shall be expended to the Cleantech InnoVenture Center to support biotech incubator space; and provided further, that not less than $100,000 shall be expended for the Massachusetts Latino Chamber of Commerce in western Massachusetts ..... $1,595,000".

The further amendment was adopted; and the pending amendments, as amended, then also were adopted.

Mr. Miceli of Wilmington then moved to amend the bill by adding the following [A] four sections:

"SECTION 107. Chapter 265 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after section 2 the following new section:—

Section 2A. In all cases of murder in the first degree in which the penalty of death may be authorized under section 2 of this chapter, and in which the commonwealth seeks to impose the penalty of death, the indictment or indictments shall specify which of the aggravating circumstances set forth in section 69 of chapter 279 are alleged to be present. Only so much of the indictment as alleges the offense of murder in the first degree, and not the aggravating circumstances, shall be presented to the jury during their deliberation

as to the guilt or innocence of the defendant. That portion of the indictment which sets forth the aggravating circumstances shall be presented to the jury only during the presentencing proceedings in accord with section 68 of chapter 279.

SECTION 108. Chapter 279 of the General Laws, as so appearing, is hereby amended by striking section 60 and inserting in place thereof the following section:—

Section 60. The punishment of death shall be inflicted by intravenous injection of a substance or substances in a lethal quantity sufficient to cause death and until such prisoner is dead.

SECTION 109. Chapter 211D of the General Laws, as so appearing, is hereby amended by adding the following new section:—

Section 17. (a) The commonwealth shall provide legal services to:

(1) any persons who are indigent and who have been charged with an offense for which capital punishment is sought; and

(2) any persons who are indigent, have been sentenced to death and who seek appellate or collateral review.

(b) The committee for public counsel services shall be the appointing authority and shall appoint staff attorneys, members of the private bar or both.

(c) The appointing authority shall:

(1) solicit applications from all attorneys qualified to be appointed in the proceedings specified in subsection (a).

(2) draft and at such times as it may deem necessary, but at least annually, publish rosters of all applicants determined to be qualified attorneys.

(3) draft and at such times as it may deem necessary, but at least annually, publish procedures by which attorneys shall be appointed and standards governing the qualifications and performance of such appointed counsel. Such standards of qualification and performance shall include, but need not be limited to:

(A) membership in the bar of the commonwealth or admission to practice pro hac vice;

(B) knowledge and understanding of pertinent legal authorities regarding the issues in capital cases in general and any case to which an attorney may be appointed in particular;

(C) skills in the management and conduct of negotiations and litigation in homicide cases;

(D) skills in the investigation of homicide cases, the background of clients, and the psychiatric history and current condition of clients;

(E) skills in trial advocacy, including the interrogation of defense witnesses, cross examination, and jury arguments

(F) skills in legal research and in the writing of legal petitions, briefs, and memoranda; and

(G) skills in the analysis of legal issues bearing on capital cases;

(4) Periodically review the rosters, monitor the performance of all attorneys appointed, and delete the name of any attorney who:

(A) fails satisfactorily to complete regular training programs on the representation of clients in capital cases;

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(B) fails to meet performance standards in a case to which the attorney has been appointed; or

(C) fails otherwise to demonstrate continuing competency to represent clients in capital cases;

(5) conduct or sponsor specialized training programs for attorneys representing clients in capital cases;

(6) appoint two attorneys, lead counsel and co-counsel, to represent a client in a capital case after the relevant stage of proceedings, promptly upon receiving notice of the need for the appointment from the relevant state court; and

(7) report such appointment or the client's failure to accept counsel in writing to the court requesting the appointment.

(d) Upon receipt of notice from the appointing authority that an individual entitled to the appointment of counsel under this section has declined to accept such an appointment, the court requesting the appointment shall conduct, or cause to be conducted, a hearing, at which the individual and counsel proposed to be appointed under this section shall be present, to determine the individual's competency to decline that appointment, and whether the individual has knowingly and intelligently declined it.

(e) (1) The appointing authority shall maintain 2 rosters of attorneys: one roster listing attorneys qualified to be appointed for the trial and sentencing stages of capital cases, the other listing attorneys qualified to be appointed for the appellate or collateral review stages. Each of the rosters shall be divided into two parts, one listing attorneys qualified to be appointed as lead counsel, the other listing attorneys qualified to be appointed as co-counsel.

(2) An attorney qualified to be appointed lead counsel at the trial or sentencing stages shall

(A) be a trial practitioner with at least 5 years of experience in the representation of criminal defendants in felony cases;

(B) have served as lead counsel or co-counsel at the trial or sentencing stages in at least two homicide cases tried to a jury;

(C) be familiar with the law and practice in capital cases and with the trial and sentencing procedures in the commonwealth;

(D) have completed such training or refresher courses in current developments in the representation of capital defendants at the trial or sentencing stages as the appointing authority shall require; and

(E) demonstrate the proficiency and commitment necessary to providing legal services in capital cases.

(3) An attorney qualified to be appointed co-counsel at the trial or sentencing stages shall:

(A) be a trial practitioner with at least 3 years of experience in the representation of criminal defendants in felony cases; and

(B) meet the standards in paragraphs (2)(C), (D) and (E) for lead counsel at the trial or sentencing stages.

(4) An attorney qualified to be appointed lead counsel at the appellate or collateral review stages shall:

(A) be an appellate practitioner with at least 5 years of experience in the representation of criminal clients in felony cases at the appellate or collateral review stages;

(B) have served as lead counsel or co-counsel at the appellate or collateral review stages in at least 3 cases in which the client had been convicted of a felony offense;

(C) be familiar with the law and practice in capital cases and with the appellate and collateral review procedures in the courts of the commonwealth and in federal court;

(D) have completed such training or refresher courses in current developments in the representation of capital clients at the appellate and collateral review stages as the state appointing authority shall require; and

(E) demonstrate the proficiency and commitment necessary to providing legal services in capital cases.

(5) An attorney qualified to be appointed co-counsel at the appellate, collateral or unitary review stages shall:

(A) be an appellate practitioner with at least 3 years of experience in the representation of criminal clients in felony cases at the appellate or collateral review stages; and

(B) meet the standards in paragraphs (4)(C), (D) and (E) for lead counsel at the appellate or collateral review stages.

(f) (1) Attorneys appointed from the private bar shall be:

(A) compensated for actual time and service, computed on an hourly basis and at a reasonable rate in light of the attorney's qualifications and experience and the local market for legal representation in cases reflecting the complexity and responsibility of capital cases;

(B) reimbursed for expenses reasonably incurred in the representation of the client including the costs of law clerks and paralegals reasonably needed in the representation of the client; and

(C) reimbursed for the costs of investigators and experts whose services have been approved in advance by the court and are reasonably needed in the representation of the client.

(2) Payments under subsection (f)(1):

(A) with respect to law clerks and paralegal, shall be computed on an hourly basis reflecting the local market for such services; and

(B) with respect to investigators and experts, shall be commensurate with the schedule of fees paid by state authorities for such services.

(g) Appointed attorneys from the private bar shall receive prompt payment for legal services and reimbursement for expenses and support services upon the submission of periodic bills, receipts, or other appropriate documentation to the appointing authority or other appropriate state agency. The appointing authority shall promptly resolve any disputes with respect to such bills.

SECTION 110. Chapter 279 of the General Laws, as so appearing, is hereby amended by striking sections 68 through 71 and inserting the following new sections:—

Section 68. Upon a plea or verdict of guilty of murder committed with deliberately premeditated malice aforethought or murder with extreme atrocity or cruelty by an individual who has attained the age of 18 years at the time of the murder and who is not convicted under the provisions of the felony murder rule, in cases where the common-

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wealth has alleged in its indictment or indictments the presence of one or more of the aggravating circumstances set forth in section 69 of this chapter, a presentence hearing shall be conducted before the jury before which the case was tried; provided, however, that if in the opinion of the judge presiding at the presentence hearing, it is impossible or impracticable for the trial jury to sit at the presentence hearing, or if the matter of guilt was determined by a plea of guilty rather than by a jury, a new jury shall be impaneled to sit at the presentencing hearing. The selection of that jury shall be according to the laws and rules governing the selection of a jury for the trial of a capital case. A presentence hearing need not be conducted if the commonwealth determines either that it cannot prove beyond a reasonable doubt the existence of one or more of the aggravating circumstances set forth in section 69 of this chapter, or that the penalty of death should not be imposed, in which case the court shall impose the sentence of imprisonment for life as provided in section 2 of chapter 265.

During the presentence hearing, the only issue shall be the determination of the punishment to be imposed. During such hearing the jury shall hear all additional relevant evidence in mitigation of punishment including evidence relevant to any statutory mitigating circumstance set forth in paragraph (b) of section 69 of this chapter, and evidence relevant to any other aspect of the defendant's character or record or any of the circumstances of the offense that the defendant or the commonwealth may proffer as a basis for a sentence less than death, regardless of its admissibility under the rules governing the admission of evidence at criminal trials. During such hearing, the jury shall also hear such evidence in aggravation of punishment as is relevant to any statutory aggravating circumstance set forth in paragraph (a) of said section 69, and which is alleged in the indictment; provided, however, that only such evidence in aggravation of punishment as the commonwealth has made known to the defendant prior to his trial shall be admissible, and provided further, that said evidence is otherwise admissible according to the rules governing the admission of evidence at criminal trials. The jury shall also hear arguments by the defendant or his counsel or both and by the commonwealth regarding the punishment to be imposed. The commonwealth and the defendant or his counsel shall be allowed to make opening statements and closing arguments at the presentence hearing. The order of those statements and arguments and the order of presentation of evidence shall be the same as at trial.

Upon the conclusion of evidence and arguments at the presentence hearing, the court shall instruct the jury orally as to, and shall provide to the jury in writing copies of, any statutory aggravating circumstance or circumstances which are set forth in the indictment and which it determines to be warranted by the evidence. The court shall instruct the jury that it may choose to find that the penalty of death shall be imposed upon the defendant, or it may choose not to find that the penalty of death be imposed on the defendant, but that it may not find that the penalty of death shall be imposed unless it shall first make a unanimous determination of the existence of one or more of the aggravating circumstances set forth in section 69 of this chapter and the indictment, beyond a reasonable doubt. The jury shall further be

instructed that if it finds the existence of such an aggravating circumstance beyond a reasonable doubt, it must then consider all of the evidence presented to it relevant to any of the mitigating circumstances set forth in paragraph (b) of section 69 of this chapter, or to any other mitigating circumstance and determine whether, in view of all the relevant circumstances of the offense and of the defendant, the sentence shall be life imprisonment or death. The jury shall further be instructed that the penalty of death may not be imposed unless it unanimously finds after a review of all of the evidence of mitigation proffered as a basis for a sentence less than death, that the penalty of death should be imposed. If the jury is unable to reach a unanimous verdict, the court shall impose the sentence of imprisonment for life as provided in section 2 of chapter 265.

If its unanimous verdict is to impose the penalty of death, the jury shall designate in writing, signed by the foreperson of the jury, the statutory aggravating circumstance or circumstances which it unanimously found existed beyond a reasonable doubt, and that the jury after consideration of all of the evidence of mitigation relevant to the circumstances of the defendant and the offense proffered as a basis for a sentence less than death, unanimously found that the death penalty should be imposed.

After the jury has made its findings, the court shall set a sentence in accordance with section 70.

The declaration of a mistrial during the course of the presentence hearing or any error in the presentence hearing determined or otherwise shall not affect the validity of the conviction.

Section 69. (a) In all cases in which the death penalty may be authorized, the statutory aggravating circumstances are:

(1) the murder was knowingly committed on a victim because of his position as, or while engaged in the performance of his official duties as one or more of the following police officer, special police officer, parole officer, probation officer, state or federal law enforcement officer, court officer, firefighter, officer or employee of the department of correction, officer or employee of a sheriff's department, officer or employee of a jail or officer or employee of a house of correction;

(2) the murder was committed by a defendant who was at the time incarcerated in a jail, or a correctional or penal institution, or the Massachusetts Treatment Center for the Sexually Dangerous or a facility used for the housing or treatment or housing and treatment of prisoners; or while on escape, furlough or work release from such jail, correctional or penal institution or facility;

(3) the murder was knowingly committed on a victim because of his position as, or while engaged in the performance of his official duties as a judge, prosecuting attorney, juror, or witness;

(4) the murder was committed by a defendant who had previously been convicted of murder in the first or second degree, or of an offense in any other federal, state or territorial jurisdiction of the United States which is the same as or necessarily includes the elements of the offense of murder in the first or second degree;

(5) the murder was committed by a defendant who had previously been convicted of two or more federal or state offenses, com-

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mitted on different occasions, for which a sentence of life in prison or death was authorized by statute;

(6) the murder involved torture to the victim or the intentional infliction of extreme pain prior to death demonstrating a total disregard to the suffering of the victim;

(7) the murder was committed by means of a destructive device, bomb, or explosive planted, hidden, mailed, delivered, or concealed in any place, area, dwelling, building or structure by the defendant; or the murder was committed by means such that the defendant knew or reasonably should have known that his act or acts would create a grave risk of death or serious bodily injury to more than one person; or the murder was committed by means of a machine gun or other automatic weapon;

(8) the murder occurred during the commission of or in furtherance of a violation of the drug trafficking laws of the commonwealth as set forth in section 32E of chapter 94C, or during the commission of or in furtherance of an attempt or conspiracy to violate said drug trafficking laws;

(9) the murder was committed as an act of political terrorism, which include murders committed for the purpose of attacking the government of the United States or any political subdivision thereof;

(10) the murder was knowingly committed on a victim because of his position as, or while engaged in the performance of his official duties as one of the following governor or governor-elect, lieutenant governor or lieutenant governor elect, secretary of the commonwealth, treasurer of the commonwealth, attorney general, member of the governor's council, district attorney, representative or senator in the general court or mayor;

(11) the murder was committed by means of a biological, chemical or nuclear agent or device, including but not limited to an act of terrorism

(b) In all cases in which the death penalty may be authorized, the mitigating circumstances shall be any factors proffered by the defendant or the commonwealth which are relevant in determining whether to impose a sentence less than death, including, but not limited to, any aspect of the defendant's character, propensities, or record and any of the circumstances of the murder, including but not limited to the following

(1) the defendant has no significant history of prior criminal convictions;

(2) the victim was a co-conspirator or willing participant in the defendant's homicidal conduct, or in the criminal conduct which resulted in the murder;

(3) the murder was committed while the defendant was under extreme duress or under the domination or control of another which was insufficient to establish a defense to the murder but which substantially affected his judgment;

(4) the offense was committed while the capacity of the defendant to appreciate the criminality of his conduct or to conform his conduct to the requirements of the law was impaired as a result of: (a) a mental disease or defect; (b) organic brain damage; (c) emotional illness brought on by stress or prescribed medication; or (d) intoxication,

or legal or illegal drug use by the defendant; which was insufficient to establish a defense to the murder but which substantially affected his judgment;

(5) the defendant was over the age of 75 at the time of the murder, or any other relevant consideration regarding the age of the defendant at the time of the murder;

(6) the defendant was battered or otherwise physically or sexually abused by the victim in connection with or prior to the murder for which the defendant was convicted and such abuse was a contributing factor in the murder;

(7) the defendant was experiencing post-traumatic stress syndrome caused by military service during a declared or undeclared war.

Section 70. Where a person is convicted or pleads guilty to a crime which is punishable by death, a sentence of death shall not be imposed unless findings in accordance with section 68 are made. Further, such a sentence shall not be imposed unless the jury finds that there is conclusive scientific evidence, including physical or other associative evidence, enabling it to reach a high level of scientific certainty connecting the defendant to the crime. Physical or other associative evidence may include any tangible image, object, or item that can be independently examined for the purpose of obtaining pertinent investigative information. The jury may use the scientific, physical or other associative, evidence to corroborate the defendant's guilt and need not rely entirely on human evidence and testimony. Where such findings are made and the jury finds that the death penalty shall be imposed, the court shall sentence the defendant to death unless the court determines that a sentence of death should not be imposed under section 71. Where such findings are not made or not unanimously made or where a sentence of death is not a unanimous finding by the jury, the court shall sentence the defendant to life imprisonment as provided in section two of chapter 265.

Section 71. (a) The supreme judicial court shall establish, by rule, such reports or checklists to be utilized by the trial court, the prosecuting attorney, and defense counsel prior to, during, and after the trial of cases in which the death penalty is sought, as it deems necessary to ensure that all possible matters which could be raised in defense have been considered by the defendant and defense counsel and either asserted in a timely and correct manner or waived in accordance with applicable legal requirements, so that, for purposes of any pretrial review and the trial and post-trial review, the record and transcript of proceedings will be as complete as possible for a review by the sentencing court and the supreme judicial court of challenges to the trial, conviction, sentence and detention of the defendant.

(b) In any case in which the sentence of death has been imposed, the trial judge shall conduct a review of the entire record and shall report to the supreme Judicial court any observations which it deems pertinent to the question of the appropriateness of the sentence, including the credibility and effectiveness of mitigation evidence offered by the defense; the strength of the commonwealth's case on the merits including observations with respect to its reliance on circumstantial or eyewitness testimony and on the possibility, if any, of innocence being subsequently established, and the possibility of passion or prejudice having affected the jury's sentencing decision. If, based on the trial

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court's review of the record, the court determines that despite findings by the jury, the death penalty should not be imposed, the judge may set aside the sentence of death and impose a sentence of life imprisonment without parole. In such case the judges shall set forth in writing the findings and reasons which support such determination. The commonwealth shall have a right to appeal to the supreme judicial court any such determination, and the supreme judicial court may set aside said determination if it is unsupported by the record of the case, and may thereafter reimpose the penalty of death.

(c) In any case in which a sentence of death has been imposed, the trial judge may suspend for a period of time or set aside the penalty of death and impose in its place a sentence of life in prison without possibility of parole at any time, upon a showing that there is newly discovered evidence that casts substantial doubt on the justice of the conviction, or raises the substantial possibility of innocence being subsequently established, even though said evidence is not then sufficient to grant a new trial.

(d) Nothing in this section shall limit or restrict review, rights or remedies available through the procedures under Rule 30 of the Massachusetts Rules of Criminal Procedure.

Section 72. (a) In addition to a unified review procedure administered by the supreme judicial court, the court shall conduct a formal process to ensure the independent scientific review of all scientific, physical or other associative, evidence in every capital case in which a sentence of capital punishment is imposed.

(b) The court shall create an Independent Scientific Review (ISR) Advisory Committee which shall draft policies, processes, and criterion for the ISR Panel for reviewing scientific evidence used in each capital case in which a sentence of capital punishment is imposed.

(c) Members of the ISR Advisory Committee shall be appointed by the court from a list of nominees submitted by the governor and shall be recognized experts in the evaluation of forensic evidence. If any appointed member of the committee is employed by a commonwealth crime laboratory, said member shall not participate in the review of any capital case in which said member's laboratory had involvement. The members of the committee shall appoint an independent expert panel to review each forensic-science sub-discipline relevant to each case.

(d) At the conclusion of any capital trial in which the defendant has been convicted and a sentence of capital punishment has been imposed, the ISR Committee shall appoint an ISR Panel which shall include independent members from each forensic-science sub-discipline relevant to the particular case. Members of said panel shall be selected from among recognized and accredited experts not employed by the commonwealth's state or city crime laboratories.

(e) Once selected, the ISR Panel shall conduct a thorough review of the collection, handling, evaluation, analysis, preservation, and interpretation of, and testimony and all other matters relating to scientific evidence used in the particular case. This review shall be conducted pursuant to the policies drafted and adopted by the ISR Advisory Committee. The panel review shall include, but not be limited to, an examination of the following:

(1) whether the integrity of the evidence was sufficient to allow for consideration of subsequent procedures

(2) whether appropriate guidelines and standards of practice were followed during crime scene and autopsy procedures; the recognition, documentation, recovery, packaging, and preservation of evidence; the examination and comparison of evidence; the interpretation and reporting of results; and the reconstruction by experts relying on other examinations or reports

(3) whether any new research or novel science played a role in the particular case and whether it was appropriately documented and provided for review under the relevant legal standard

(4) whether the ISR process revealed any specific scientific or technical issues requiring additional information, or suggesting that errors may have been made.

(f) A copy of the ISR Panel's report shall be provided, upon completion, to the trial judge, prosecutor, defense attorney, and the supreme judicial court.

(g) If, based on panel's review of the record, the court determines that despite findings by the jury, the death penalty should not be imposed, the judge may set aside the sentence of death and impose a sentence of life imprisonment without parole. In such case, the judges shall set forth in writing the findings and reasons which support such determination.

Section 73. In addition to a review of the entire case pursuant to section 33E of chapter 278, and section 71 of chapter 279, the supreme Judicial court shall review the sentence of death imposed pursuant to sections 68, 69, and 70 of chapter 279. If the supreme Judicial court determines that (1) the sentence of death was imposed under the influence of passion, prejudice or any other arbitrary factor; or (2) the evidence does not support the jury's finding of a statutory aggravating circumstance or circumstances as defined in section sixty-nine; or (3) the evidence of mitigation warranted the imposition of a life sentence rather than a sentence of death; or (4) the weight of the evidence does not warrant a sentence of death the court shall (1) reverse the sentence of death and remand for a new presentence hearing pursuant to section 68 of chapter 279; or (2) reverse the sentence of death and remand to the superior court department of the trial court for sentence of imprisonment in the state prison for life. The court shall also have the authority to affirm the sentence of death.".

Pending the question on adoption of the amendment, Mr. Bradley of Hingham moved to amend it by adding the following section:

"SECTION 111. Notwithstanding any special or general law to the contrary, the provisions of sections 107 to 110, inclusive, of this act shall not take effect until such time as the executive office of public safety and the department of corrections has furnished a study of its impact on the state's economy and revenue cost to the commonwealth, including, but not limited to, a distributional analysis showing the impact on taxpayers or varying income levels, the current practice of other states, any anticipated change in employment and ancillary economic activity to the joint committee on the judiciary and until legislation has been filed and passed pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution.".

After debate the further amendment was adopted.

Quorum.

After an extended period of time Mr. Miceli of Wilmington asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Donato of Medford), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum roll call,— yea and nay No. 392.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 153 members were recorded as being in attendance.

[See Yea and Nay No. 392 in Supplement.]

Therefore a quorum was present.

Mr. Pedone of Worcester then moved that the vote be reconsidered by which the House adopted the further amendment (offered by Mr. Bradley of Hingham) adding section 111; and the motion to reconsider prevailed. Subsequently (Mr. Petrolati of Ludlow having been in the Chair), on the recurring question, the further amendment was rejected.

Mr. Donato of Medford being in the Chair,— Mr. Bradley of Hingham moved that the amendment be amended by striking out the text of said amendment [at "A"] and inserting in place thereof the following "section:—

SECTION 107. There shall be established a special commission to investigate the fiscal, social, economic and judicial issues related to the adoption of capital punishment in the commonwealth. Said commission shall consist of the attorney general, the secretary of the executive office of public safety, the chief justice of the supreme judicial court and the commissioner of the department correction. Said commission shall investigate, without limitation, the fiscal, social, judicial, and economic impact of instituting capital punishment including the impact of capital punishment on the state's economy and revenue cost to the commonwealth.".

Further amendment adopted,— yea and nay No. 393.

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays at the request of Mr. Miceli of Wilmington; and on the roll call (Mr. Petrolati of Ludlow being in the Chair) 105 members voted in the affirmative and 52 in the negative.

[See Yea and Nay No. 393 in Supplement.]

Therefore the further amendment was adopted, thus precluding a vote on the pending amendment offered by Mr. Miceli of Wilmington.

Mr. Murphy of Burlington moved that the bill be amended in section 2, [A] in item 7006-0010, by striking out the figures "$15,546,502" and inserting in place thereof the figures "$12,815,333";

By striking out item 7006-0020 and inserting in place thereof the following item:

"7006-0020 For the operation of the division of insurance, including the expenses of the board of appeal on motor vehicle policies and bonds and the associated fringe benefits costs for personnel paid from this item and certain other costs of supervising motor vehicle liability insurance and the expenses of the fraudulent claims board; provided, that the positions of counsel I and counsel II shall not be subject to chapter 31 of the General Laws; provided further, that notwithstanding any general or

special law to the contrary, 100 per cent of the amount appropriated in this item, and the associated fringe costs of personnel paid from this item, shall be assessed upon the institutions which the division currently regulates under general or special laws or regulations, except for licensed business entity producers; and provided further, that the assessment shall be in addition to any and all assessments currently assessed upon the institutions ..... $11,458,823";

By striking out item 7006-0071 and inserting in place thereof the following item:

"7006-0071 For the operation of the department of telecommunications and cable; provided, that notwithstanding the second sentence of section 7 of chapter 25C of the General Laws, the assessments levied for fiscal year 2011 under this section shall be made at a rate sufficient to produce 100 per cent of the amount appropriated in this item, and the associated fringe benefits costs for personnel paid from this item ..... $2,653,105";

By striking out item 7006-1003 and inserting in place thereof the following item:

"7006-1003 For the operation of the department of energy resources and the residential conservation services program; provided, that the amount assessed under section 11H of chapter 25A of the General Laws shall be equal to the amount expended from this item as well as the associated fringe benefits costs for personnel paid from this item ..... $2,938,679";

and by striking out item 8000-0040 and inserting in place thereof the following item:

"8000-0040 For police career incentives to reimburse certain cities and towns for career incentive salary increases for police officers; provided, however, that regular full-time members of municipal police departments hired on or after July 1, 2009 shall not be eligible to participate in the career incentive pay program established pursuant to section 108L of chapter 41 of the General Laws; provided further, that any current regular full-time member of a municipal police department who has not enrolled in an education program for the purposes of participating in the career incentive pay program pursuant to said section 108L of said chapter 41 of the General Laws, as of October 1, 2009, shall not be eligible to participate in the career incentive pay program established pursuant to said section 108L of said chapter 41 of the General Laws; provided further, that any current regular full-time member of a municipal police department who has begun to accumulate credit hours pursuant to said sec-

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tion 108L of said chapter 41 of the General Laws as of October 1, 2009 shall be allowed to accumulate the maximum number of credit hours for any eligible degree permitted pursuant to said section 108L of said chapter 41 of the General Laws; provided further, that any current regular full-time member of a municipal police department on active duty in the armed forces of the United States in any theater of operations from July 1, 2008 through September 1, 2009 who enrolls in an education program for the purposes of participating in the career incentive pay program pursuant to said section 108L of said chapter 41 no later than 4 months from the date of his return from active duty shall be allowed to accumulate the maximum number of credit hours for any eligible degree permitted pursuant to said section 108L of said chapter 41; and provided further, that any permanent employee of a municipal police department appointed prior to October 1, 2009 and separated from employment pursuant to section 39 of chapter 31 of the General Laws may enroll in an education program for the purposes of participating in the career incentive pay program pursuant to said section 108L of said chapter 41 no later than 4 months from the date of his reinstatement ..... $5,000,000";

and by adding the following section:

"SECTION 108. (A) Section 34 of chapter 118G of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the definition of 'Health services' the following definition:—

'Managed Care Organization', any managed care organization as defined by 42 CFR 438.2 and any eligible health insurance plan as defined by section 1 of chapter 118H, that contracts with MassHealth or the commonwealth health connector authority; but the term shall not include any senior care organization as defined by section 9D of chapter 118E.

(B) The definition of 'Payments subject to surcharge' in said section 34 of said chapter 118G, as so appearing, is hereby amended by adding the following sentence:— But the term shall include payments made by a managed care organization on behalf of (a) Medicaid recipients under age 65, and (b) enrollees in the commonwealth care health insurance program.

(C) The definition of 'Surcharge payor' in said section 34 of said chapter 118G, as so appearing, is hereby amended by adding the following sentence:— But the term shall include managed care organizations.

(D) Subsection (a) of section 36 of said chapter 118G, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:— The purposes of the fund shall be: (i) to maintain a health care safety net by reimbursing hospitals and community health centers for a portion of the cost of reimbursable health services provided to low-income, uninsured or under-

insured residents of the commonwealth; and (ii) to support a portion of the costs of the Medicaid program under chapter 118E and the commonwealth care health insurance program under chapter 118H.

(E) Said section 36 of said chapter 118G, as so appearing, is hereby further amended by inserting after the word 'hospitals', in line 29, the following words:— ; and provided further, that any amounts collected from surcharge payors in any year in excess of $160,000,000, adjusted to reflect applicable surcharge credits, shall be transferred to the General Fund to support a portion of the costs of the Medicaid and commonwealth care health insurance programs.

(F) Section 38 of said chapter 118G, as so appearing, is hereby amended by striking out the third and fourth sentences and inserting in place thereof the following 2 sentences:— The office shall calculate the surcharge percentage by dividing $160,000,000 by the projected annual aggregate payments subject to the surcharge, excluding projected annual aggregate payments based on payments made by managed care organizations. The office shall determine the surcharge percentage before the start of each fund fiscal year and may redetermine the surcharge percentage before April 1 of each fund fiscal year if the office projects that the initial surcharge percentage established the previous October will produce less than $150,000,000 or more than $170,000,000 in surcharge payments excluding payments made by managed care organizations."[B].

Pending the question on adoption of the amendments, Mr. Murphy of Burlington moved to amend them by inserting [at "A"] (see page 1340) the following "in item 0337-0002, by adding the following:— ; Sprovided that in fiscal year 2011 the department shall not reduce the amount allocated to the CASA programs as appearing in items 0337-0300, 0337-0400, 0337-0500, 0337-0600, 0337-0700, 0337-0800, 0337-0900 of section 2 of chapter 182 of the acts of 2008,";

By inserting after item 1599-1977 the following item:—

"1599-2009 For a reserve for Hale Hospital in the city of Haverhill $1,920,000";

and by adding [at "B"] the following "; and by adding the following section:—

SECTION 109. Notwithstanding any general or special law to the contrary, the comptroller shall, no later than June 30, 2011, transfer the interest earned from the Commonwealth Stabilization Fund during fiscal year 2011 to the General Fund.".

The further amendments were adopted; and the pending amendments, as amended then also were adopted.

Engrossed Bill — Land Taking.

Methuen,— Head Start Program.

There being no objection,— The engrossed Bill authorizing the city of Methuen to lease a building to the Head Start Program of the Greater Lawrence Community Action Council (see House, No. 4261, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted (land taking),—

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the

yea and nay No. 394.

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

[See Yea and Nay No. 394 in Supplement.]

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

Orders of the Day.

General Appropriation Bill.

The House Bill making appropriations for the fiscal year 2011 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 (House, No. 4600, amended) was considered.

Bill passed to be engrossed,—yea and nay No. 395.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays at the request of Mr. Murphy of Burlington; and on the roll call (Mr. Donato of Medford being in the Chair) 132 members voted in the affirmative and 25 in the negative.

[See Yea and Nay No. 395 in Supplement.]

Therefore the bill (House, No. 4601, published as amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

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

Mr. Cabral of New Bedford then moved that as a mark of respect to the memory of Edmund Dinis, a member of the House from New Bedford in 1949 and 1950, a member of the Senate from 1953 to 1956, inclusive, and District Attorney of Bristol County from 1959 to 1970, inclusive, the House adjourn; and the motion prevailed.

Accordingly, at half past six o'clock P.M. (Friday, April 30), on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Tuesday at eleven o'clock A.M.; in an Informal Session.

Tuesday, May 4, 2010.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Kafka of Stoughton 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:

Holy Spirit of God, we pray that at all times our hearts and minds be open to You and Your Ways. We believe that You, Your ways, spiritual gifts and precepts offer us personal peace, happiness and a sense of purpose and direction for daily living. As we carry-out our duties and responsibilities, which are often arduous, we look to You for guidance and courage in our decision-making actions. May we have a deep love of objective truth, for You are Truth, our families, neighbors and country. Inspire us to work collaboratively in a common effort to strengthen our basic institutions, our concern for the well-being of all people and our respect for moral principles and integrity. May our country be an example to all nations that we respect the dignity of all, especially to the innocent and those who depend upon others for their daily existence. Prayer.

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

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

Change in a House Standing Committee.

Representative Perry of Sandwich announced that he had resigned (at his own request) from the House committee on Ethics, effective February 2, 2010. House Ethics.

Resolutions.

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

Resolutions (filed by Mr. Greene of Billerica and other members of the House) congratulating the Greater Boston Chapter of the American Society of Safety Engineers on its celebration of North American Occupational Safety and Health Week and Occupational Safety and Health Professional Day; Safety Engineers.

Resolutions (filed by Mr. Greene of Billerica and other members of the House) supporting Taiwan's participation as an observer in the meetings and activities of the International Civil Aviation Organization (ICAO) and United Nations Framework Convention on Climate Change (UNFCC); Taiwan,—climate change.

Resolutions (filed by Messrs. Hecht of Watertown and Honan of Boston) congratulating Boston College head hockey coach Jerry York; Jerry York.

Boston College,—hockey team.

Resolutions (filed by Messrs. Honan of Boston, Timilty of Milton and Linsky of Natick) congratulating the Boston College men's ice hockey team for winning the 2010 National Championship; and

Arthur T. Gerald, Jr.

Resolutions (filed by Mr. Keenan of Salem) congratulating Reverend Arthur T. Gerald, Jr. on his retirement from Salem State College;

T/SGT. Elmer R. Hammond.

Resolutions (filed by Mr. Webster of Pembroke) on the occasion of renaming the American Legion Post 226 after T/SGT. Elmer R. Hammond of Hanson;

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. Smith of Everett, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Order.

Joint standing committees,—extension of time for reporting.

An order (filed this day by Mr. Binienda of Worcester) relative to extending until Tuesday, May 18, 2010, the time within which joint standing committees and the committees on Rules of the two branches, acting concurrently, are authorized to make reports on all matters referred to them, was referred, under Rule 30, to the committees on Rules of the two branches, acting concurrently.

Mr. Binienda, for said committees, then reported that the order ought to be adopted. Under suspension of the rules, on motion of the same member, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Papers from the Senate.

Kayaks.

The engrossed Bill relative to kayaks (Senate, No. 974) 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 4567).

Committee of conference.

The bill bore the further endorsement that the Senate had asked for a committee of conference on the disagreeing votes of the two branches; and that Senators O'Leary, Timilty and Hedlund had been appointed the committee on the part of the Senate.

On motion of Mr. Straus of Mattapoisett, the House insisted on its amendment; and, on further motion of the same member, concurred with the Senate in the appointment of a committee of conference. Representatives Straus, Costello of Newburyport and Peterson of Grafton were appointed the committee on the part of the House. Sent to the Senate to be noted.

Civil service laws.

The House Bill exempting non-public safety employees from the civil service laws (House, No. 4198) (its title having been changed by the Senate committee on Bill in the Third Reading) came from the Senate passed to be engrossed, in concurrence, with an amendment adding the following section:

"SECTION 2. The provisions of section 1 shall not impair the civil service status of any person holding a position in the town of Brookline, including its school department, on the effective date of this act.".

Under suspension of Rule 35, on motion of Mr. Smizik of Brookline, 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 following order, having been approved by the committees on Rules of the two branches, acting concurrently, came from the Senate with the endorsement that it had been adopted by said branch, as follows:

"*Ordered*, That, notwithstanding the provisions of Joint Rule 10, the joint committee on Consumer Protection and Professional Licensure be granted until Monday, May 31, 2010 in which to make its final report on current Senate document numbered 2346 relative to consumer protection and professional licensure in the Commonwealth.".

Consumer Protection and Professional Licensure committee,—extension of time for reporting.

Under suspension of the rules, on motion of Mr. Speliotis of Danvers, the order was considered forthwith; and it was adopted, in concurrence.

The following order, having been approved by the committees on Rules of the two branches, acting concurrently, came from the Senate with the endorsement that it had been adopted by said branch, as follows:

"*Ordered*, That, notwithstanding the provisions of Joint Rule 10, the joint committee on the Judiciary be granted until May 21, 2010, within which time to make its final report on current Senate document numbered 977, relative to the Judiciary.".

The Judiciary committee,—extension of time for reporting.

Under suspension of the rules, on motion of Mr. O'Flaherty of Chelsea, the order was considered forthwith; and it was adopted, in concurrence.

Bills

Relative to rock wall climbing safeguards (Senate, No. 959, amended in section 1, in lines 4, 7 and 11, by striking out the figures "10" and inserting in place thereof, in each instance, the figures "12"; in section 2, in line 20, by striking out the date "January 1, 2010" and inserting in place thereof the following date "June 30, 2010"; by striking out section 3 and inserting in place the following section:

Rock wall climbing,—regulate.

"SECTION 3. Section 1 shall take effect July 31, 2010. Section 2 shall take effect upon its passage."; and by inserting before the enacting clause the following emergency preamble:

"*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to forthwith provide rock wall climbing safeguards, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.") (on a petition);

Protecting consumers from unsolicited loans (Senate, No. 2393) (on Senate bill No. 447);

Unsolicited loans.

Relative to the disposition of museum property (Senate, No. 2402) (on Senate bill No. 1864);

Museums.

Relative to sale of antique barometers, thermometers and clocks (Senate, No. 2403) (on Senate bill No. 2262);

Mercury devices.

Relative to the estate of homestead (Senate, No. 2406) (on Senate bill No. 2404); and

Homestead.

Neighborhoods.

To stabilize neighborhoods (Senate, No. 2407) (on Senate bill No. 2394).

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

Tanning facilities.

The Senate Bill further regulating tanning facilities (Senate, No. 2339) (on Senate, No. 903), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Infertility treatments.

A report of the committee on Health Care Financing, asking to be discharged from further consideration of the Bill relative to increasing coverage for infertility treatments (Senate, No. 485),— and recommending the same be referred to the committee on Senate Ways and Means,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence, insomuch as relates to the discharge.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

James E. Munchbach.

Petition (accompanied by bill, Senate, No. 2413) Marian Walsh for legislation to establish a sick leave bank for James E. Munchbach, an employee of the Trial Court. To the committee on the Judiciary.

Trenches.

Petition (accompanied by bill, Senate, No. 2409) of Stephen M. Brewer, Anne M. Gobi and Denis E. Guyer for legislation relative to trenches on private property. To the committee on Public Safety and Homeland Security.

Michael J. Simeone.

Petition (accompanied by bill, Senate, No. 2412) of Stephen M. Brewer and Anne M. Gobi for legislation relative to the survivor benefits of Michael J. Simone. To the committee on Public Service.

Athol,— easements.

Petition (accompanied by bill, Senate, No. 2411) of Stephen M. Brewer and Christopher J. Donelan for legislation to authorize the Department of Fish and Game to acquire land and to acquire a conservation restriction on lands of the town of Athol in exchange for grants of easements to the town of Athol. To the committee on State Administration and Regulatory Oversight.

Barre,— Purple Heart Bridge.

Petition (accompanied by bill, Senate, No. 2410) of Stephen M. Brewer and Anne M. Gobi for legislation to designate a certain bridge in the town of Barre as the Purple Heart Bridge. To the committee on Transportation.

Report of the Committee on Telecommunications, Utilities and Energy on Bill introduced into the General Court by Initiative Petition.

Carbon emissions,— limit.

By Mr. Finegold of Andover, for the committee on Telecommunications, Utilities and Energy, that the Act to limit carbon dioxide emissions from renewable and alternative energy sources (House, No. 4458) (introduced in the General Court by initiative petition of Susan E. Laing and others) ought not to pass.

The majority report of the committee (House, No. 4642) is as follows:

MAJORITY REPORT.

The initiative petition, HB 4458, places severe emission restrictions on a broad range of renewable energy plants, including electric biomass and waste-to-energy plants, limiting our energy choices, harming our state's economy, and preventing the state from meeting our renewable energy goals. Although this initiative petition is well intentioned — limits on emissions from biomass plants are crucial in protecting our environment — the committee believes that the language of this particular petition is too broad, preventing the development of innovative technologies such as anaerobic digestion, which efficiently converts organic waste (such as food and agricultural waste) to energy.

The Committee notes that the Department of Energy Resources is currently analyzing the life cycle greenhouse gas emissions of electric biomass facilities, inclusive of the forest's role in carbon sequestration, and will review the Department's report when it is available. If the report's findings indicate to the Committee that action needs to be taken on this issue, it will take steps to enact the necessary restrictions at that time.

This overly broad initiative petition would prevent the development of many forms of renewable energy by cutting off their access to essential incentives. The Committee recognizes that, in order to address the Commonwealth's economic, energy, and climate challenges, all renewable energy technologies must be responsibly considered. Therefore, we, the majority of the Joint Committee on Telecommunications, Utilities and Energy, recommend that the Initiative Petition HB 4458 OUGHT NOT TO PASS [Representative Ehrlich of Marblehead, dissenting].

Senators.	*Representatives.*
MICHAEL W. MORRISSEY,	BARRY R. FINEGOLD,
KENNETH J. DONNELLY,	CARLO P. BASILE,
BRUCE E. TARR,	VIRIATO MANUEL DEMACEDO,
	STEPHEN L. DINATALE,
	KARYN E. POLITO,
	ANGELO J. PUPPOLO, JR.

Since Article XLVIII as amended by Section 2 of Article LXXXI of the Amendments to the Constitution requires that a vote shall be taken by yeas and nays in both houses before the first Wednesday of May upon the enactment of such law in the form in which it stands in such petition, and since the next House sitting was held on Thursday, May 6, no action was taken beyond the receipt of the report of the committee.

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 following petitions:

Petition (accompanied by bill) of Michael F. Rush relative to the retirement benefit for Cecilia Davlin the surviving former wife of James Davlin. To the committee on Public Service. Cecilia Davlin.

Natural gas leaks.

Petition (accompanied by bill) of Lori Ehrlich, Steven J. D'Amico and others relative to the classification of and response to natural gas leaks. To the committee on Telecommunications, Utilities and Energy.

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

Eating disorders,— insurance coverage.

Mr. Binienda of Worcester, for the committee on Rules, on the Order relative to authorizing the committee on Financial Services to make an investigation and study of certain House documents concerning financing and financial services (House, No. 4621) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 936) of Kay Khan and others relative to requiring that certain health insurance policies include coverage for eating disorders,— and recommending that the same be recommitted to the committee on Financial Services. Under Rule 42, the report was considered forthwith; and it was accepted.

Christopher J. Doyle,— benefits.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill authorizing the town of Wilbraham to provide certain benefits to Christopher J. Doyle (Senate, No. 2104, amended) be scheduled for consideration by the House.

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

Child support.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on Senate, No. 36 and House, No. 3423, a Bill to bring child support home (House, No. 3423, changed by striking out sections 1, 4 and 5 and in section 7 (as published), in line 32, by striking "October 1, 2009" and inserting in its place the following: "July 1, 2010").

Family aid.

By the same member, for the same committee, on House, No. 129, a Bill regarding children and families requiring assistance (House, No. 4632).

Job creation.

By Ms. Forry of Boston, for the committee on Community Development and Small Businesses, on House, No. 4490, a Bill providing for job creation by small businesses (House, No. 4629) [Senator Eldridge of Middlesex and Worcester dissenting].

Landfills.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on House, No. 4562, a Bill to protect citizens of the Commonwealth from unsafe and injurious landfills (House, No. 4639).

Animals,— treatment.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on House, No. 3589, a Bill to provide for the safe care and treatment of animals (House, No. 4635).

Collective bargaining.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill relative to collective bargaining (House, No. 2583).

Pension funding.

By the same member, for the same committee, on House, No. 4439, a Bill providing municipal pension funding schedule relief (House, No. 4628).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on a petition, a Bill to eliminate the use of the word retardation from the General Laws (House, No. 176). "Retardation",—use of word.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill relative to certain members of the Cambridge retirement system (House, No. 4280) [Local Approval Received]. Cambridge retirement system.

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

Engrossed Bill.

The engrossed Bill authorizing the town of Millbury to pay a certain unpaid bill (see House bill printed in House, No. 4525) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate. Bill enacted.

Orders of the Day.

Senate Bills

Relative to payment for services rendered for extraordinary storm damage in the town of Templeton (Senate, No. 2231); Third reading bills.

Amending the charter of the town of Stoughton (Senate, No. 2238) (its title having been changed by the committee on Bills in the Third Reading); and

Authorizing the town of Chelmsford to convey certain conservation land and grant certain easements (Senate, No. 2287, amended);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

House bills

Modifying a conservation restriction in the town of North Andover (House, No. 598); Id.

Relative to the Historical Districts Commission of the town of Concord (House, No. 632);

Authorizing the appointment of retired Millis police officers as special police officers in the town of Millis (House, No. 1882);

Relative to the conduct of public hearings on capital improvements plans in the town of North Andover (House, No. 1901);

Authorizing the government employers in the County of Dukes County to establish a pooled other post-employment benefits trust fund (House, No. 4105);

Designating the intersection in front of 306 Turtle Pond Parkway in the Hyde Park District of the city of Boston as Paul P. Loring Square (House, No. 4120);

Authorizing the Dukes County contributory retirement system to grant certain retirement benefits (House, No. 4174);

Authorizing the town of North Andover to amend a certain conservation restriction (House, No. 4194);

Designating the portion of state highway Route 140 located in the town of Upton as the George L. Wood Veterans of Foreign Wars

Third reading bills.

Post #5594 and the Marshall-Leland American Legion Post #173 Roadway (House, No. 4334) (its title having been changed by the committee on Bills in the Third Reading);

Authorizing the town of Westport to lease a portion of the Westport Town Farm to the Trustees of Reservations (House, No. 4368);

Relative to the position of appointed treasurer-collector in the town of Freetown (House, No. 4415);

Authorizing the town of Brewster to use a portion of town-owned land for renewable energy projects (House, No. 4450);

Establishing the Raynham development revolving fund (House, No. 4485) (its title having been changed by the committee on Bills in the Third Reading); and

Relative to the Bayswater environmental program (House, No. 4511) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Novelty lighters,— prohibit.

The House Bill prohibiting the use of novelty lighters (House, No. 4369) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Pedone of Worcester moved to amend it in line 13 by inserting after the word "items" the following "or to standard disposable and refillable lighters that are printed or decorated with logos, labels, decals or artwork, or heat shrinkable sleeves".

The amendment was adopted; and the bill (House, No. 4369, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Dinamarie McCarthy,— sick leave.

The House Bill establishing a sick leave bank for Dinamarie McCarthy, an employee of the Department of Children and Families (House, No. 4615), 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 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. 4615, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

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

At ten minutes before twelve o'clock noon, on motion of Mr. Frost of Auburn (Mr. Kafka of Stoughton being in the Chair), the House adjourned, to meet the following Thursday at eleven o'clock A.M., in an Informal Session.

Thursday, May 6, 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.

Spirit of Truth, Hope and Love, we begin this day and this legislative session with a prayer to remind us of Your presence in our midst and of Your personal concern for our total well-being. We believe that with Your assistance we are able to cope with and address correctly the issues and challenges which we face. Inspire us, in addressing issues, to remain faithful to our moral and philosophical principles. In resolving those legislative and administrative concerns which come before us, teach us to be true to our principles. May we appreciate the blessings and privileges which we enjoy as citizens of this great land. In these uneasy times, help us to build trust in our constitutions, in our institutions and in each other so that our future experience as a nation may be as rich in blessings as our past experiences.

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.

Resolutions.

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

Nicholas John Costello.

Resolutions (filed by Mr. Costello of Newburyport) congratulating Nicholas John Costello on receiving a 2010 Essex Heritage Hero Award;

Byron John Mathews.

Resolutions (filed by Mr. Costello of Newburyport) congratulating Byron John Mathews on receiving a 2010 Essex Heritage Hero Award;

Maria Miles.

Resolutions (filed by Mr. Costello of Newburyport) congratulating Maria Miles on receiving a 2010 Essex Heritage Hero Award;

St. Mary's,—girls ice hockey.

Resolutions (filed by Representatives Fennell of Lynn, Ehrlich of Marblehead, Falzone of Saugus and Walsh of Lynn) congratulating the St. Mary's girls ice hockey team on their 2009 perfect season and Division I state championship;

Zachary Berry.

Resolutions (filed by Mr. McMurtry of Dedham) congratulating Zachary Berry on receiving the Eagle Award of the Boy Scouts of America;

Robert Powell, Jr.

Resolutions (filed by Mr. McMurtry of Dedham) congratulating Robert Powell, Jr., on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. McMurtry of Dedham) congratulating Joshua Reynolds on receiving the Eagle Award of the Boy Scouts of America; Joshua Reynolds.

Resolutions (filed by Mr. McMurtry of Dedham) congratulating Joseph Wisialko on receiving the Eagle Award of the Boy Scouts of America; Joseph Wisialko.

Resolutions (filed by Mr. Smizik of Brookline) congratulating the third grade students at the Edward Devotion School in Brookline on their participation in the school's twenty-sixth annual JFK essay and poetry program; and Brookline,—Devotion School.

Resolutions (filed by Mr. Smizik of Brookline) congratulating Richard "Dick" McCue upon the receipt of the Temple Emeth's Brotherhood Man of the Year award; Richard McCue.

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 Ms. Wolf of Cambridge, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Order.

An order (filed this day by Mr. Donato of Medford) relative to authorizing the committee on Municipalities and Regional Government to travel for the purpose of holding hearings on regionalization, was referred, under Rule 30, to the committees on Rules of the two branches, acting concurrently. Municipalities and Regional Government,—travel.

Mr. Binienda, for said committees, then reported that the order ought to be adopted. Under suspension of the rules, on motion of Ms. Wolf of Cambridge, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Petitions.

Petitions severally were presented and referred as follows:

By Representative Naughton of Clinton and Senator Chandler, a joint petition (accompanied by bill, House, No. 4651) of Harold P. Naughton, Jr., Harriette L. Chandler, James B. Eldridge and Karyn E. Polito (by vote of the town) that the town of Northborough be authorized to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises. To the committee on Consumer Protection and Professional Licensure. Northborough,—liquor license.

By Representative Vallee of Franklin and Senator Spilka, a joint petition (accompanied by bill, House, No. 4652) of James E. Vallee and Karen E. Spilka (by vote of the town) relative to amending the charter of the town of Franklin. To the committee on Municipalities and Regional Government. Franklin,—town charter.

By Representative Peake of Provincetown and Senator O'Leary, a joint petition (accompanied by bill, House, No. 4656) of Sarah K. Peake and Robert A. O'Leary (by vote of the town) that members of the police department of the town of Provincetown be exempt from provisions of the civil service law. To the committee on Public Service. Provincetown,—police.

Provincetown,—excise tax.

By the same members, a joint petition (accompanied by bill, House, No. 4653) of Sarah K. Peake and Robert A. O'Leary (by vote of the town) relative to the disbursement of room occupancy excise tax revenue collected in the town of Provincetown.

Provincetown,—rental properties.

By the same members, a joint petition (accompanied by bill, House, No. 4654) of Sarah K. Peake and Robert A. O'Leary (by vote of the town) that the town of Provincetown be authorized to impose a room occupancy excise tax on vacation rental property in said town.

Duxbury,—seawall repairs.

By Representative Webster of Hanson and Senator Hedlund, a joint petition (accompanied by bill, House, No. 4655) of Daniel K. Webster, Robert L. Hedlund and Thomas J. Calter (by vote of the town) that the town of Duxbury be authorized to assess betterments for certain seawall repair costs. Severally to the committee on Revenue.

Severally sent to the Senate for concurrence.

Janet Picheny,—creditable service.

Representative Kafka of Stoughton and Senator Timilty presented a joint petition (subject to Joint Rule 12) of Louis L. Kafka and James E. Timilty for legislation to authorize Janet Picheny to purchase certain creditable service for retirement purposes, and the same was referred, under rule 24, to the committee on Rules.

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

Provincetown and Truro,—agreement.

Representative Peake of Provincetown and Senator O'Leary presented a joint petition (subject Joint Rule 12) of Sarah K. Peake and Robert A. O'Leary relative to an intermunicipal agreement between the towns of Provincetown and Truro; and the same was referred, under Rule 24 to the committee on Rules.

Paper from the Senate.

Holyoke,—charter commission.

A petition (accompanied by bill, Senate, No. 2408) of Michael R. Knapik and Michael F. Kane (with the approval of the mayor and city council) for legislation to validate the election of a charter commission in the city of Holyoke, was referred, in concurrence, to the committee on Election Laws.

Reports of Committees.

Saugus Watershed Commission,—Rumney Marsh.

Report of the committee on State Administration and Regulatory Oversight, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 4431) of Kathi-Anne Reinstein for legislation to include the Saugus River Watershed on the Citizens Advisory Board on uses of the Rumney Marsh Area. Under suspension of the rules, on a motion of Ms. Wolf of Cambridge, the report was considered forthwith. Pending the question on acceptance of the report, the petition was recommitted, on motion of Ms. Reinstein of Revere.

By Ms. Walz of Boston, for the committee on Education, on House, No. 432, a Bill relative to improving SAT scores (House, No. 4644). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently. SAT scores,—improvement study.

By Ms. Walz of Boston, for the committee on Education, on House, No. 6 and a part of House, No. 3, a Bill relative to financial requirements of business, correspondence, and trade schools (House, No. 6, changed in section 1, in line 2, in section 2, in line 10, and also in section 3, in line 19, by striking out the word "may" and inserting in place thereon, in each instance, the word "shall".). Business and trade schools,—reporting.

By the same member, for the same committee, on a petition, a Bill relative to Chapter 70 (House, No. 354, changed in line 3 by striking out the word "communities" and inserting in place the word "municipalities"; and in line 4 by striking out the word "whose" and inserting in place the following: "at least 20 per cent of its".). Education funding.

By the same member, for the same committee, on a petition, a Bill to include military reservation students into state reimbursement aid (House, No. 464). Military students.

By the same member, for the same committee, on Senate, No. 218 and House, Nos. 402 and 3434, a Bill relative to health education (House, No. 4630). Health education.

By the same member, for the same committee, on Senate, No. 238 and House, No. 501, a Bill relative to mobile student populations (House, No. 4634). Mobile students.

By the same member, for the same committee, on House, No. 473, a Bill allowing non-public school students to take the MCAS exam (House, No. 4646). MCAS,—non-public students.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill relative to certain Option B and Option C retirees (House, No. 2448). Retirees.

By Mr. Kaufman of Lexington, for the committee on Revenue, on Senate, No. 1866, a Bill establishing pilot artist enterprise zones (House, No. 4643). Artist enterprise zones.

By Mr. Finegold of Andover, for the committee on Telecommunications, Utilities and Energy, on a petition, a Bill to promote the use of green taxicabs (House, No. 728). Green taxicabs.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Ms. Walz of Boston, for the committee on Education, on House, Nos. 371 and 529, a Bill for equity for school principals (House, No. 371, changed by striking out section 2). School principals.

By the same member, for the same committee, on House, No. 447, a Bill relative to the board of elementary and secondary education (House, No. 4645). Education board.

By the same member, for the same committee, on House, No. 356, a Bill relative to disclosure of employment information (House, No. 4647). Jobs,—immunity.

By Mr. Moran of Boston, for the committee on Election Laws, on a message from His Excellency the Governor, a Bill validating action taken at a special town election held in the town of Ashfield (printed in House, No. 4612). Ashfield,—election.

Mercury management.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill relative to mercury management (House, No. 3443).

Private construction contracts.

By Ms. Coakley-Rivera of Springfield, for the committee on Labor and Workforce Development, on House, No. 4582, a Bill promoting fairness in private construction contracts (House, No. 4641).

Muskeget Island,– conservation.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a message from His Excellency the Governor, a Bill to ensure the proper conservation of Muskeget Island (printed in House, No. 4613).

Sherborn,— town forest.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Sherborn to use certain town forest land (House, No. 4585) [Local Approval Received].

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

Engrossed Bills.

Engrossed bills

Bills enacted.

Relative to payment for services rendered for extraordinary storm damage in the town of Templeton (see Senate, No. 2231);

Amending the charter of the town of Stoughton (see Senate, No. 2238);

(Which severally originated in the Senate);

Establishing the Sherwood Forest Lake District in the town of Becket (see House, No. 3702); and

Exempting certain employees in the town of Brookline from the civil service laws (see House, No. 4198, 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.

Orders of the Day.

Third reading bill.

The Senate Bill authorizing the town of Wilbraham to provide certain benefits to Christopher J. Doyle (Senate, No. 2104), 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.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

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

At twenty-five minutes after eleven o'clock A.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.

Monday, May 10, 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.

Most Gracious God, we try to begin each day with the right intention of serving You, our constituents and our families in a faithful and generous manner. We believe that with Your assistance we shall be successful in carrying out our intention to give each day a purpose and direction. We pray for peace in our hearts and minds as we address the legislative and administrative matters of the day. Inspire us to make choices and decisions which are based on sound reason and traditional principles and values. Teach us to avoid decision-making actions which are based only on emotional responses to current needs. May we also continue our public policy of respecting the dignity and rights of each individual in our community.

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.

Communication from the Clerk.

The following communication was read for the information of the House; and placed on file, to wit:—

May 10, 2010.

The Honorable Robert A. DeLeo
Speaker of the House
State House – Room 356
Boston, Massachusetts 02133

Dear Mr. Speaker:

Timothy Carroll,— appointment.

I have the honor to inform you that I have appointed Timothy Carroll of Boston as Second Assistant Clerk of the House of Representatives, to fill the existing vacancy.

Respectfully,

STEVEN T. JAMES,
Clerk of the House.

Resolutions.

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

Grand Masters and Eastern Star conferences.

Resolutions (filed by Ms. Allen of Boston) welcoming the ninety-first Conference of Grand Masters, Prince Hall Masons, Inc. and sixty-second Conference of Grand Matrons and Grand Patrons of the order of the Eastern Star;

Billerica Public Library.

Resolutions (filed by Mr. Greene of Billerica) congratulating the Billerica Public Library on the tenth anniversary of its renovated building;

Alyce Davis.

Resolutions (filed by Mr. Keenan of Salem) congratulating Alyce Davis on the occasion of her retirement;

Cornelia Cassidy Koutoujian.

Resolutions (filed by Mr. Koutoujian of Waltham) in recognition of Cornelia Cassidy Koutoujian being named Woman of the Year by the Waltham Women's Action Alliance; and

Marvin E. Gilmore, Jr.

Resolutions (filed by Ms. Wolf of Cambridge) congratulating Marvin E. Gilmore, Jr. on receiving France's Legion of Honor Medal;

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. Honan 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.

Communications.

Credit unions,—parity.

A communication from the Division of Banks (under Section 6A of Chapter 171 of the General Laws) submitting proposed amendments to regulations 209 CMR 50.00 et seq., relative to authorizing activities available to federally chartered credit unions to state chartered credit unions (House, No. 4657), was referred, under Rule 24, to the committee on Financial Services. Sent to the Senate for concurrence.

Communications

Lead removal license fees.

From the Division of Occupational Safety (under Section 3B of Chapter 7 of the General Laws) of its intent to promulgate new regulations changing the licensing fees charged for lead-safe renovator contractor licenses and lead-safe renovator training provider licenses [received and posted on April 23];

Regionalization Advisory Commission.

From the Massachusetts Regionalization Advisory Commission established (under Chapter 60 of the Acts of 2009) to review all aspects of regionalization including possible opportunities, benefits and challenges to regionalizing services including the costs and effects of regionalizing all services including, but not limited to: education, public safety, public health, public works, housing, veterans' services, workforce development, municipal finance and structure, elder services and transportation;

Severally were placed on file.

Quarterly Report.

Department of Transportation,—

The third quarterly report of the Department of Transportation (under Section 171 of Chapter 25 of the Acts of 2009) relative to the

progression of the incorporation of agencies and authorities into said department [copies of said report having been forwarded to the committees on Ways and Means and Transportation] was placed on file. quarterly report.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Arciero of Westford and Senator Panagiotakos, joint petition (accompanied by bill, House, No. 4662) of James Arciero and Steven C. Panagiotakos (by vote of the town) that the conservation commission of the town of Westford be authorized to lease, license or rent facilities at the East Boston Camps Property located in said town; and Westford,—East Boston Camps Property.

By Mr. Rush of Boston, petition (accompanied by bill, House, No. 4663) of Michael F. Rush (with the approval of the mayor and city council) for legislation to authorize the parks and recreation commission of the city of Boston to lease certain historic property; Boston,—historic property.

Severally to the committee on Municipalities and Regional Government.

Severally sent to the Senate for concurrence.

Ms. Peisch of Wellesley presented a petition (subject to Joint Rule 12) of Alice Hanlon Peisch for legislation to establish a special commission to make an investigation and study relative to higher education scholarship programs; and the same was referred, under Rule 24, to the committee on Rules. Scholarship programs,—study.

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

Petitions severally were presented and referred, as follows:

By Ms. Callahan of Sutton (by request), a petition (subject to Joint Rule 12) of Elena V. Pouliot relative to monitoring the operation of school buses. School bus driver records.

By Mr. Fennell of Lynn, a petition (subject to Joint Rule 12) of Robert F. Fennell relative to establishing a public employee retirement commission within the Executive Office for Administration and Finance. Retirement commission.

By Mr. Fresolo of Worcester, a petition (subject to Joint Rule 12) of John P. Fresolo for legislation to further regulate vehicles for hire. Vehicles for hire.

By Ms. Reinstein of Revere, a petition (subject to Joint Rule 12) of Kathi-Anne Reinstein relative to the detection and reporting of stolen animals by veterinarians. Animals,—theft.

By Mr. Rodrigues of Westport, a petition (subject to Joint Rule 12) of Michael J. Rodrigues relative to establishing a sick leave bank for Colleen Robichaud, an employee of the Registry of Motor Vehicles. Colleen Robichaud,—sick leave.

By Mr. Sullivan of Fall River, a petition (subject to Joint Rule 12) of David B. Sullivan relative to establishing a sick leave bank for Elise Lachance, an employee of the Department of Correction. Elise Lachance,—sick leave.

Carol Roberts,— sick leave.

By Mr. Sullivan of Fall River, a petition (subject to Joint Rule 12) of David B. Sullivan relative to establishing a sick leave bank for Carol Roberts, an employee of the Department of Transitional Assistance.

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

Papers from the Senate.

Newbury,— land transfer.

The Senate Bill authorizing the Division of Capital Asset Management and Maintenance, in consultation with the board of trustees of the Essex Agricultural and Technical Institute, to convey a certain parcel of land in the town of Newbury (Senate, No. 2285, amended in section 1, in line 5, by striking out the word "may" and inserting in place thereof the word "shall"; and by striking out section 4 and inserting in place the following section:

"SECTION 4. All costs of surveys to determine the legal boundaries and descriptions of the lots to be conveyed pursuant to section 1 shall be paid by the Essex agricultural and technical institute, Dianne Yurkavich and Michael A. Bulgaris, with each party bearing 1/3 of the costs pursuant to (d) of paragraph 5 the Compromise of the Will of Lewis Bulgaris, Essex probate and family court docket no. 96P-2049-EP1. Pursuant to clause (a) of said paragraph 5, all other costs for the conveyance of the property, not including attorneys' fees, shall be shared equally by Dianne Yurkavich and Essex agricultural and technical institute.") (on Senate bill No. 1393), passed to be engrossed by the Senate was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Newbury,— elected officials.

The Senate Bill regulating certain insurance benefits for elected official in the town of Newbury (Senate, No. 2096) (on a petition) [Local Approval Received], passed to be engrossed by the Senate was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reports of Committees.

Taunton State Hospital,— Marie King Center.

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 joint petition of James H. Fagan and Marc R. Pacheco relative to designating the Recovery Resource Center at Taunton State Hospital as the Dr. Marie King Recovery Resource Center.

Under suspension of the rules, on motion of Mr. Smizik of Brookline, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

Tips,— pooling.

By Mr. Kafka of Stoughton, for the committee on Steering, Police and Scheduling, that the Bill relative to the pooling of tips (House, No. 4324), 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.

Report of the committee on State Administration and Regulatory Oversight, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 4580) of Martin J. Walsh for legislation to require the use of proctors as monitors for instruction and training programs administered by the Division of Apprenticeship Training within the Department of Labor and Workforce Development. Workforce training,— proctors.

Under suspension of the rules, on a motion of Mr. Linsky of Natick, the report was considered forthwith; and, pending the question on acceptance of the report, the petition was recommitted, on motion of Mr. Walsh of Lynn.

Emergency Measure.

The engrossed Bill establishing a sick leave bank for Sarah F. Bowler, an employee of the Department of Children and Families (see House, No. 4611, 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. Sarah F. Bowler,— sick leave.

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

Engrossed Bills.

Engrossed bills

Authorizing the town of Wilbraham to provide certain benefits to Christopher J. Doyle (see Senate, No. 2104) (which originated in the Senate); Bills enacted.

Authorizing the town of Oxford to grant an additional license for the sale of wines and malt beverages not to be drunk on the premises (see House bill printed as Senate, No. 2196); and

Relative to the historic districts commission of the town of Concord (see House, No. 632);

(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.

Orders of the Day.

The House Bill establishing the Massachusetts food policy council (House, No. 4568), 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. Third reading bill.

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 a quarter after eleven o'clock A.M., on motion of Mr. Hill of Ipswich (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.

Thursday, May 13, 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.

Gracious God, the ultimate source of knowledge and wisdom we turn our hearts and minds to You, our Creator, at the beginning of today's legislative session. Consequently we take a moment to consider spiritual, human and moral values in our response to the needs of people and the issues in these changing and uneasy times. In Your goodness inspire us each day to select reasoned and thoughtful answers to the items which come before us. May we also continue our common effort to unite people in seeking the common good as we struggle together to improve the quality of life for all. Teach us to seek truth and speak truth at all times so that our society will be just fair and ethical.

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.

Message from the Governor.

Supplemental appropriations.

A message from His Excellency the Governor submitting requests for making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4669), was filed in the office of the Clerk on Wednesday, May 12.

The message was read; and it was referred, under Rule 33, to the committee on the Ways and Means.

Appointment to a Special Commission.

Water Infrastructure Finance Commission.

The Speaker announced that he had appointed Mr. Martin Pillsbury, Regional Planning Services Manager of the Metropolitan Area Planning Council, to the special Water Infrastructure Finance Commission established (under Section 145 of Chapter 27 of the Acts of 2009) to develop a comprehensive, long-range water infrastructure finance plan for the Commonwealth and municipalities.

Resolutions.

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

Upton Forest,—C.C.C.

Resolutions (filed by Mr. Peterson of Grafton) celebrating the legacy of the Civilian Conservation Corps at Upton State Forest;

Adrian Michael.

Resolutions (filed by Mr. Kafka of Stoughton) congratulating Adrian Lewis Theodhosi Michael of Sharon Boy Scout Troop 95 on earning the Eagle Scout Award;

Zachary S. Kennedy.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Zachary S. Kennedy on earning the Eagle Scout Award;

Paul Larson, Jr.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Paul Larson, Jr., on earning the Eagle Scout Award;

Dana F. Perry.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Dana F. Perry on earning the Eagle Scout Award;

Elizabeth Simoni.

Resolutions (filed by Mr. Galvin of Canton) congratulating Elizabeth "Betty" Simoni on being honored by New England Sinai Hospital;

Chatham-Nauset Lions Club.

Resolutions (filed by Ms. Peake of Provincetown) congratulating the Chatham Nauset-Lions Club on the occasion of its fortieth anniversary;

May Peltier Doty.

Resolutions (filed by Mr. Wagner of Chicopee) congratulating May Peltier Doty on the occasion of her one hundredth birthday; and

Ellen Moot.

Resolutions (filed by Representatives Wolf of Cambridge and Hecht of Watertown) congratulating Ellen Moot on the occasion of her eightieth birthday.

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 Ms. Wolf, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Watertown,— library buildings.

Mr. Hecht of Watertown presented a petition (accompanied by bill, House, No. 4667) of Jonathan Hecht, Peter J. Koutoujian and Steven A. Tolman (by vote of the town) that the town of Watertown be exempt from the public bidding statutes for certain public construction projects; and the same was referred to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

Bristol County Agricultural High School.

Mrs. Haddad of Somerset and Senator Pacheco presented a joint petition (subject to Joint Rule 12) of Patricia A. Haddad and Marc R. Pacheco for legislation to authorize Bristol County to borrow money for the repair of Bristol County Agricultural High School; and the same was referred, under Rule 24, to the committee on Rules.

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

Papers from the Senate.

Boxford,— recall elections.

The House Bill providing for recall elections in the town of Boxford (House, No. 4381), came from the Senate passed to be engrossed, in concurrence, with amendments in section 2 adding the following sentence: "The town clerk shall immediately forward the recall affidavit to the board of registrars for verification of signatures."; and in section 3,

in lines 7 to 15, inclusive, by striking out the paragraph in those lines and inserting in place thereof the following paragraph:

"SECTION 3. Within 14 calendar days of receipt of the initial recall affidavit, the board of registrars of voters shall (1) verify the signatures on the initial recall affidavit and if found to contain a sufficient number of signatures, (2) the town clerk shall thereupon deliver the first 10 signers of the affidavit a formal numbered printed recall petition sheet with the town clerk's official seal, and addressed to the board of selectmen demanding the recall. The town clerk shall fill out the top portion of each recall petition sheet naming the elected official, the grounds for recall stated in the petition, the names of the first 10 voters signing the affidavit, and shall demand the election of a successor to the office. A copy of the recall petition shall be entered in a record book to be kept in the office of the town clerk.".

Under suspension of Rule 35, on motion of Mr. Hill of Ipswich, 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.

Thomas Troy,— sick leave.

The House Bill establishing a sick leave bank for Thomas Troy (House, No. 4530), came from the Senate passed to be engrossed, in concurrence, with amendments striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2417; striking out the emergency preamble and inserting in place the following emergency preamble:

"*Whereas*, The deferred operation of this act would tend to defeat is purpose, which is to establish forthwith a sick leave bank for a certain former employee of the department of correction, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."; and striking out the title and inserting in place thereof the following title: "An Act establishing a sick leave bank for Thomas Troy, a former employee of the Department of Correction.".

Under suspension of Rule 35, on motion of Mr. Driscoll of Braintree, the amendments were considered forthwith.

The committee on Bills in the Third Reading reported recommending that the House concur with the Senate in its amendments with further amendments by striking out all after the enacting clause and inserting in place thereof the following:

"Notwithstanding any general or special law, rule or regulation to the contrary, the trial court shall establish a sick leave bank for Thomas Troy, a former employee of the trial court. Any employee of the trial court may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Thomas Troy. Whenever Thomas Troy terminates employment with the trial court or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the trial court paid leave bank. 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 trial court."; by inserting before the enacting clause the following emergency preamble:

Thomas Troy,— sick leave.

"*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 former employee of the trial court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."; and by striking out the title and inserting in place thereof the following title: "An Act establishing a sick leave bank for Thomas Troy, a former employee of the Trial Court."; and the report was accepted. The further amendments were adopted.

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

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Melissa Gordan,— sick leave.

Petition (accompanied by bill, Senate, No. 2433) of Mark C. Montigny and Robert M. Koczera for legislation to establish a sick leave bank for Melissa Gordan, an employee of the Trial Court. To the committee on the Judiciary.

South Boston,— Joyce playground.

Petition (accompanied by bill, Senate, No. 2435) of John A. Hart, Jr., for legislation to designate a playground at the Marine Park in South Boston as the Michael Joyce memorial playground. To the committee on State Administration and Regulatory Oversight.

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 following petitions:

Tewksbury,— land.

Petition (accompanied by bill) of Barry R. Finegold, Susan C. Tucker and James R. Miceli relative to authorizing the Division of Capital Asset Management and Maintenance to convey certain land to the town of Tewksbury for recreational and open space purposes. To the committee on State Administration and Regulatory Oversight.

Vehicles for hire.

Petition (accompanied by bill) of John P. Fresolo for legislation to further regulate vehicles for hire. To the committee on Transportation.

Under suspension of the rules, on motion of Mr. Murphy of Burlington, the reports were considered forthwith. Joint Rule 12 was suspended, in each instance. Severally sent to the Senate for concurrence.

Public records,— proprietary information.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill relating to the public records law (House, No. 4602),— and recommending that the same be recommitted to the committee on Telecommunications, Energy and Utilities. Under Rule 42, the report was considered forthwith; and it was accepted.

Supplemental appropriations.

Mr. Murphy of Burlington, for the committee on Ways and Means, on House, No. 4444, reported, in part, a Bill making appropriations for the Fiscal Year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4670) [cost: $42,566,794.00]. 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, under suspension of the rules, on motion of Mr. Murphy of Burlington, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Nursing home residents.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill to protect nursing home residents (House, No. 4270), be scheduled for consideration by the House, 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. 4637),— pending.

Under suspension of Rule 7A, on motion of Ms. Wolf of Cambridge, 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 was ordered to a third reading.

Water Resources Authority.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill relative to the composition of the Massachusetts Water Resources Authority board of directors (House, No. 3807), 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, under suspension of the rules, on motion of Mr. DeLeo of Winthrop, 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 relative to the board of directors of the Massachusetts Water Resources Authority.". Sent to the Senate for concurrence.

Lunenburg,— sewer service area.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill relative to the sewer service area for the town of Lunenburg (House, No. 4561) [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.

Post-partum depression.

Mr. Binienda of Worcester, for the committee on Rules, on the Order relative to authorizing the committee on Financial Services to make an investigation and study of certain House documents concerning insurance and other related matters (House, No. 4621), reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3897) of Ellen Story and others relative to treatment and health insurance coverage for maternal post-partum depression,— and recommending that the

Post-partum depression.

same be recommitted to the committee on Financial Services. Under Rule 42, the report was considered forthwith; and it was accepted.

Mr. Koutoujian of Waltham, for said committee, on the foregoing recommitted petition (House, No. 3897), reported a Bill relative to post-partum depression (House, No. 4668).

Ms. Story of Amherst moved that Joint Rule 1E be suspended; and the motion prevailed. The bill was referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Mr. Binienda, for said committees, then reported that the bill ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Psychotherapy.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on House, Nos. 224 and 266, a Bill regulating psychotherapy (House, No. 4658). Referred, under Joint Rule 1E, to the committee Health Care Financing.

Trade and investment,—commission.

By Mr. Dempsey of Haverhill, for the committee on Economic Development and Emerging Technologies, on a petition, a Bill providing for the creation of a special commission relative to the impact on the Commonwealth of Massachusetts of the international trade and investment agreements (House, No. 341). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Developmental disabilities,—scholarships.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on House, Nos. 178 and 186, a Bill creating a scholarship fund to further the study of developmental disabilities (House, No. 4660).

Alcoholic beverages,—definitions.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on House, No. 79 and on a part of House, No. 65, a Bill further defining types of alcoholic beverages (House, No. 79).

Life sciences.

By Mr. Dempsey of Haverhill, for the committee on Economic Development and Emerging Technologies, on a petition, a Bill providing for further expansion of the life sciences industry in the Commonwealth (House, No. 339).

Transition coordinators.

By Ms. Walz of Boston, for the committee on Education, on House, No. 493, a Bill relative to transition coordinators (House, No. 4648).

MCAS appeals.

By the same member, for the same committee, on House, No. 502, a Bill relative to the MCAS appeals process (House, No. 4650).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Alcoholic beverages,—sale.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on a petition, a Bill relative to the sale of alcoholic beverages (House, No. 250).

Funeral homes.

By the same member, for the same committee, on a petition, a Bill prohibiting funeral homes from selling lists (House, No. 263).

Customers,—protection.

By the same member, for the same committee, on a petition, a Bill relative to the protection of customers (House, No. 287).

By the same member, for the same committee, on a petition, a Bill relative to check cashing fees (House, No. 296). Check cashing fees.

By the same member, for the same committee, on a petition, a Bill relative to the storage fee for towing (House, No. 299). Towing storage fees.

By the same member, for the same committee, on a petition, a Bill exempting certain stadiums from plumbing regulations (House No. 3652). Stadiums,—plumbing.

By Mr. Dempsey of Haverhill, for the committee on Economic Development and Emerging Technologies, on House, No. 89 and on a part of House, No. 86, a Bill making amendments to the Uniform Commercial Code covering general provisions, documents of title and secured transactions and including technical changes (House, No. 89). Uniform Commercial Code.

By Ms. Walz of Boston, for the committee on Education, on House, No. 476, a Bill relative to the disclosure of information of public school athletic resources and interscholastic athletic authorized representatives (House, No. 4649). School athletics,—disclosures.

By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, on a petition, a Bill establishing a consolidated regional public safety communications/dispatch center in the towns of Cohasset, Hingham, Hull and Norwell (House, No. 4610). Cohasset, etc.,—dispatch center.

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

Recess.

At twenty-five minutes after eleven o'clock A.M., on motion of Mr. Smizik of Brookline (Mr. Donato of Medford being in the Chair), the House recessed until the hour of three o'clock P.M.; and at that time the House was called to order with Mr. Donato in the Chair. Recess.

Report of a Committee.

Report of the committee on State Administration and Regulatory Oversight, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 180) of Angelo M. Scaccia for legislation to exempt certain information and records acquired by the office of child advocate from public disclosure. Under suspension of the rules, on a motion of Mr. Scaccia of Boston, the report was considered forthwith. Pending the question on acceptance of the report, the petition was recommitted, on motion of Mr. Walsh of Lynn. Public disclosure,—child advocate office.

Recess.

At one minute after four o'clock P.M., on motion of Mrs. Poirier of North Attleborough (Mr. Donato of Medford being in the Chair), the House recessed until half past four o'clock; and at that time the House was called to order with Mr. Donato in the Chair. Recess.

Emergency Measure.

The engrossed Bill making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4670), 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. Supplemental appropriations.

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 2 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 Senate to the Senate.

Engrossed Bill.

Id.

The engrossed Bill establishing a sick leave bank for Sarah F. Bowler, an employee of the Department of Children and Families (see House, No. 4611, amended) (which originated in the House), in respect to which the Senate had concurred in the adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

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

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

Monday, May 17, 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.

Gracious God, Whose mysterious ways are often beyond human comprehension, we believe that You are always with us and watch over us at all times. In Your goodness, teach us to seek Your guidance and to be open to Your inspirations as we address both the personal and legislative matters which we face each day. In preparing and evaluating legislative issues, inspire us to be open to the insights and suggestions of constituents and associates as we try to serve the people and the Commonwealth in a faithful and honorable manner. As elected officials, help us to strengthen the integrity of our institutions, to expand the wisdom of our leaders and administrators and deepen the virtue of the people. May we continue to respect the dignity and rights of all individuals.

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.

Resolutions.

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

Marvin E. Gilmore, Jr.

Resolutions (filed by Ms. Allen of Boston) honoring Marvin E. Gilmore, Jr., of the city of Cambridge;

Marblehead,—sister city.

Resolutions (filed by Ms. Ehrlich of Marblehead) welcoming the delegation from Marblehead's sister city, Grasse, France;

Alan G. Ticotsky.

Resolutions (filed by Representatives Kaufman of Lexington, Stanley of Waltham and Atkins of Concord) congratulating Alan G. Ticotsky on the occasion on his retirement from the Carlisle public schools;

Olof Hendey Brote.

Resolutions (filed by Ms. Peisch of Wellesley) honoring Olof Hendey Brote on receiving the Eagle Scout Award of the Boy Scouts of America;

Eric Charles Doyle.

Resolutions (filed by Ms. Peisch of Wellesley) honoring Eric Charles Doyle on receiving the Eagle Scout Award of the Boy Scouts of America;

Carter Simpson Hulings.

Resolutions (filed by Ms. Peisch of Wellesley) honoring Carter Simpson Hulings on receiving the Eagle Scout Award of the Boy Scouts of America; and

William P. Jacobs.

Resolutions (filed by Ms. Peisch of Wellesley) honoring William P. Jacobs on receiving the Eagle Scout Award of the Boy Scouts of America.

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 Ms. Provost of Somerville, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communication.

Civil service lists.

A communication from the Human Resources Division of the Executive Office for Administration and Finance (under the provisions of Section 25 of Chapter 31 of the General Laws) submitting a list of certain public safety fire promotional lists which have been revoked as of May 1, 2010, was placed on file.

Annual Report.

Toxic reduction report.

The annual report of the Executive Office of Energy and Environmental Affairs (under the provisions of Section 3 of Chapter 21I of the General Laws) relative to the Toxics Use Reduction Program activities and accomplishments, 2009, was placed on file.

Petitions.

Foxborough,—sewer system.

By Mr. Barrows of Mansfield, a petition (accompanied by bill, House, No. 4680) of F. Jay Barrows (by vote of the town) that the town of Foxborough be authorized to construct, maintain and operate a sewage system for said town. To the committee on Environment, Natural Resources and Agriculture.

East Bridgewater,—tax titles.

By Representative McCarthy of East Bridgewater and Senator Kennedy, a joint petition (accompanied by bill, House, No. 4678) of Allen J. McCarthy and Thomas P. Kennedy (by vote of the town) for legislation to further regulate tax titles in the town of East Bridgewater; and

Gardner,—land.

By Representative Rice of Gardner and Senator Flanagan, a joint petition (accompanied by bill, House, No. 4679) of Robert L. Rice, Jr., and Jennifer L. Flanagan (with the approval of the mayor and city council) that the city of Gardner be authorized to convey certain land to the Greater Gardner Industrial Foundation.

Severally to the committee on Municipalities and Regional Government.

Severally sent to the Senate for concurrence.

Public land,—ocean erosion.

Mr. Smizik presented a petition (subject to Joint Rule 12) of Frank I. Smizik relative to preserving public trust rights in land affected by ocean erosion; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Smith of Everett, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Environment, Natural Resources and Agriculture. Sent to the Senate for concurrence.

Papers from the Senate.

The House Bill amending the town of Yarmouth charter (House, No. 4175) came from the Senate passed to be engrossed, in concurrence, with amendments striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2388; and striking out the title and inserting in place thereof the following title: "An Act amending the town of Yarmouth home rule charter.". Yarmouth,—charter.

Under suspension of Rule 35, on motion of Mr. Turner of Dennis, 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 Senate Bill to establish employment leave and safety remedies to victims of domestic violence, stalking and domestic violence (Senate, No. 2405) (on Senate bill No. 2382), passed to be engrossed by the Senate was read; and it was referred, under Rule 33, to the committee on Ways and Means. Victims,—employment leave.

A petition (accompanied by bill Senate No. 2438) of Richard R. Tisei and Katherine M. Clark (with the approval of the mayor and city council) for legislation to authorize the city of Melrose to enter into a tax deferment agreement with Stone Place Limited Partnership, was referred, in concurrence, to the committee on Revenue. Melrose,—Stone Place Limited.

Reports of Committees.

By Ms. Walz of Boston, for the committee on Education, on House, No. 503, a Bill relative to school libraries (House, No. 4671). School libraries.

By the same member, for the same committee, on House, No. 419, a Bill relative to educator licensure tests (House, No. 4674). Educators.

By the same member, for the same committee, on House, No. 415, a Bill relative to pricing for chapter 71B approved private school programs (House, No. 4675). School programs.

By the same member, for the same committee, on House, No. 495, a Bill establishing a code of conduct at public school athletic programs (House, No. 4677). School sports,—conduct.

By Mr. Wagner of Chicopee, for the committee on Transportation, on House, No. 1151, a Bill providing for an automated toll collection review (House, No. 4664). Tolls,—collection.

By the same member, for the same committee, on House, No. 4326, a Bill relative to the Registry of Motor Vehicles (House, No. 4666). Registry of Motor Vehicles.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Ms. Walz of Boston, for the committee on Education, on House, Nos. 347 and 385, a Bill relative to dress codes in public schools (House, No. 385, changed in line 10 by inserting after the word "district" the words ", or in the case of a charter school, by the board of trustees"; and in line 11 by striking out the words "or are" and inserting in place thereof the word "and"). Schools,—dress codes.

School choice reimbursement.

By the same member, for the same committee, on a petition, a Bill to increase accountability in school choice reimbursement (House, No. 498, changed in line 12 by inserting after the words "department of", the words "elementary and secondary"; and by striking out the last sentence and inserting in place thereof the following three sentences: "The department may, on a post-audit basis, verify the admission and attendance of the number of children certified by each school district. A receiving district shall reimburse funding and accrued interest to the sending district for any tuition paid for students who fail to enroll, drop out or transfer from the receiving district to a non-public school. Such reimbursement shall be pro-rated for the amount of time, if any, the students attended the receiving district.".

Graduation requirements.

By the same member, for the same committee, on House, Nos. 467 and 468, a Bill relating to high school graduation requirements for students with learning disabilities (House, No. 4665).

Internet safety.

By the same member, for the same committee, on House, No. 439, a Bill relative to Internet safety in schools (House, No. 4672).

Southeastern Regional School.

By the same member, for the same committee, on House, No. 367, a Bill providing for members of the Southeastern Regional School District to reallocate the sum of their local contributions to the district by a majority vote of boards of selectmen and a municipal council (House, No. 4676).

Voter identification.

By Mr. Moran of Boston, for the committee on Election Laws, on a petition, a Bill establishing identification requirements for voters who registered by mail (House, No. 663).

Absentee ballots.

By the same member, for the same committee, on House, No. 665, a Bill relative to absentee ballots (House, No. 4661).

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

Mental Health,—cases.

Ms. Stanley of West Newbury, for the committee on Health Care Financing, that the Bill relative to creating a difficult to manage unit within the Department of Mental Health (House, No. 1931) ought to pass [Cost: Greater than $100,000.00]. Read; and referred, under Rule 33, to the committee on Ways and Means.

Ms. Stanley of West Newbury, for the committee on Health Care Financing, that the following bills ought to pass:

Health alerts.

Relative to the issuance of public health warnings (House, No. 2042);

Pharmacy.

Relative to the definition of a pharmacy (House, No. 2071);

Mutual aid.

Relative to mutual aid for local public health (House, No. 2104); and

Cosmetics.

Relative to healthy cosmetics (House, No. 2108);

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

Allied Health Board.

Ms. Stanley of West Newbury, for the committee on Health Care Financing, that the Bill relative to increasing the efficiency and effectiveness of the Board of Allied Health Professionals (House, No. 2079), ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4673) [Cost: Greater than $100,000.00]. Read; and referred, under Rule 33, to the committee on Ways and Means, with the amendment pending.

Ms. Stanley of West Newbury, for the committee on Health Care Financing, that the Bill relative to access to epinephrine in schools (House, No. 2077), ought to pass with amendments in line 2 by striking out the figures "2002" and inserting in place the figures "2008"; in line 13 by striking out the word "must" and inserting in place the word "shall"; in line 15 by striking out the words "such as" and inserting in place the words "including, but not limited to"; and in line 15 by inserting after the word "lunchroom." the following sentence: "The Department may promulgate regulations concerning storage of epinephrine.". Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendments pending. Epinephrine.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill establishing a consolidated regional public safety communications/dispatch center in the towns of Cohasset, Hingham, Hull and Norwell (House, No. 4610, amended), be scheduled for consideration by the House. Cohasset, Hingham, Hull and Norwell.

Under suspension of Rule 7A, on motion of Mr. Kafka of Stoughton, 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 matters be scheduled for consideration by the House:

Senate bills

Authorizing the town of Milton to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises of a certain restaurant (Senate, No. 141, amended) [Local Approval Received]; Milton,—liquor license.

Relative to a betterment assessment in the town of Sturbridge (Senate, No. 2043) [Local Approval Received]; Sturbridge,—assessment.

Authorizing the town of Carver to divert funds from the conservation fund (Senate, No. 2095) [Local Approval Received]; Carver,—conservation.

Relative to the interest rate to be charged on certain betterment assessments in the town of Wareham (Senate, No. 2140) [Local Approval Received]; Wareham,—assessment.

Relative to interest rate to be charged on certain betterment assessments in the town of Wareham (Senate, No. 2141) [Local Approval Received]; Id.

Authorizing the town of Carver to assess excise taxes on private water suppliers (Senate, No. 2143) [Local Approval Received]; Carver,—excise tax.

Relative to payment of property taxes in the town of Carver (Senate, No. 2145) [Local Approval Received]; Carver,—taxes.

Authorizing the granting of easements and the conveyance of certain land in the town of Andover (Senate, No. 2154) [Local Approval Received]; Andover,—easements.

Exempting the position of deputy chief of police in the town of Wakefield from the civil service law (Senate, No. 2230) [Local Approval Received]; Wakefield,—police chief.

Amending the charter of the town of Winchendon (Senate, No. 2333) [Local Approval Received]; and Winchendon,—charter.

Relative to the North Carver water district (Senate, No. 2348) [Local Approval Received]; and North Carver,—water district.

House bills

Underground economy.
Authorizing the department of unemployment assistance to share information with the joint task force on the underground economy (House, No. 18);

Tramway board.
Relative to the recreational tramway board (House, No. 46);

Rebates.
Relative to commercial rebate expiration (House, No. 203);

Employees,— politics.
To provide to certain employees of the Commonwealth the right to participate collectively in the political process (House, No. 577);

Voting.
To ensure secure voting equipment (House, No. 649);

Voters.
Relative to specially qualified voters (House, No. 674);

Absentee voting.
Relative to absentee voting (House, No. 676);

Voters.
Relative to pre-registration of voters (House, No. 683);

Title V.
Relative to Title V approval (House, No. 751);

Lawns.
Regulating the organic content in newly constructed and renovated lawns (House, No. 754);

Webb Park,— Marys' Pointe.
Designating a portion of the Captain William K. Webb Memorial State Park as Marys' Pointe (House, No. 791);

Seafood.
To assist seafood processors (House, No. 901);

Fire damage,— insurance.
Relative to applications for insurance against loss or damage to a building by fire (House, No. 903);

Spouses.
Providing insurance coverage to certain spouses (House, No. 943);

Fire insurance.
Relating to the standard fire insurance policy (House, No. 960);

Insurance.
Relative to continuing education of insurance producers (House, No. 963, changed);

Id.
Relating to farmers' market insurance (House, No. 998);

William J. Higgins.
Relative to William J. Higgins, an employee of the town of Nantucket (House, No. 1125) [Local Approval Received];

Livery drivers.
Relative to the regulation of livery drivers (House, No. 1506);

North Andover,— recall.
Relative to the recall of elective officers in the town of North Andover (House, No. 1893) [Local Approval Received];

Ashland,— taxes.
Relative to property tax exemptions in the town of Ashland (House, No. 1904, changed) [Local Approval Received];

Restrooms.
Relative to public access of private restrooms (House, No. 2074);

Buses,— safety.
Relative to seatbelts on school buses (House, No. 2199);

Schools,— felonies.
Requiring police departments to notify school superintendents upon the issuance of felony complaints against students (House, No. 2213);

Firearms,— licensing.
Further regulating the issuance of firearm identification cards and licenses to carry firearms (House, No. 2229);

Shotguns.
Relative to the use of shotguns (House, No. 2232);

Gaming.
For the protection of gaming officials (House, No. 2234);

Security.
Regulating uniformed private security firms (House, No. 2272);

Arenas.
Further regulating exits in sports complexes (House, No. 2283, changed);

Boston,— nurses.
Authorizing the city of Boston retirement board to grant creditable service to certain nurses (House, No. 2518);

Commuter boats.
Relative to changes of rates and scheduling changes by commuter boats (House, No. 3172);

Sanborn Library.
Naming the state transportation library the George M. Sanborn Library (House, No. 3266);

Vehicle weight restrictions.
To exempt the weight of idle reduction systems for commercial vehicles from maximum weight restrictions (House, No. 3334);

MBTA.
Relative to the MBTA's Copley and Science Park Stations (House, No. 3363);

Relative to the development of air rights over the Massachusetts Turnpike (House, No. 3364); Turnpike.

Providing appropriate public safety protections for security system user information (House, No. 3480); Security systems.

Relative to private swimming pools (House, No. 3927); Pools.

Regulating elections in the town of Yarmouth (House, No. 4243) [Local Approval Received]; Yarmouth.

Relative to land in the town of Plymouth (House, No. 4264) [Local Approval Received]; Plymouth.

Relative to easements in the town of Andover (House, No. 4318) [Local Approval Received]; Andover,—easements.

Authorizing the town of Cohasset to grant certain interests in land (House, No. 4322) [Local Approval Received]; Cohasset.

To exempt clerical positions in the town of Billerica from civil service (House, No. 4391) [Local Approval Received]; Billerica.

To maintain the integrity of police investigations (House, No. 4392); Police.

Authorizing the town of Belmont to recall elected officials (House, No. 4414) [Local Approval Received]; Belmont,—recall.

Concerning the position of police chief in the town of Belmont (House, No. 4416) [Local Approval Received]; Belmont,—police chief.

Relative to public safety in the city of Holyoke (House, No. 4418) [Local Approval Received]; Holyoke,—public safety.

Dedicating a certain bridge in the town of Westminster to Ryan Patrick Jones (House, No. 4437); Westminster,—bridge.

Relative to health insurance coverage for retired employees of the town of Brookline (House, No. 4451) [Local Approval Received]; Brookline.

Relative to the investment powers of the Massachusetts Credit Union Share Insurance Corporation (House, No. 4483); Credit corporation.

Authorizing James M. McGarry to continue to serve as police chief in the town of Sheffield (House, No. 4487) [Local Approval Received]; Sheffield.

Relative to converting four (4) seasonal licenses for the sale of all alcoholic beverages to be consumed on the premises to four (4) annual licenses for the sale of all alcoholic beverages to be drunk on the premises and three (3) seasonal wine and malt beverage licenses to be consumed on the premises to three (3) annual wine and malt beverage licensed to be drunk on the premises (House, No. 4518) [Local Approval Received]; and Seekonk,—liquor license.

Relative to noncompetition agreements (House, No. 4607); and Agreements.

Senate resolves

Resolve reviving and continuing the special commission relative to the establishment of a Cranberry Heritage Area (Senate, No. 1876); and Cranberry Heritage Area.

Providing for an investigation and study by a special commission relative to reducing the wait time for medical equipment for children with special health care needs (Senate, No. 2319); Children,—medical equipment.

Severally placed in the Orders of the Day for the next sitting for a second reading.

Emergency Measure.

The engrossed Bill establishing a sick leave bank for Stephen R. Fratalia, an employee of the Trial Court, (see House, No. 4576), 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. Stephen R. Fratalia,—sick leave bank.

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 7 to 0. Sent to the Senate for concurrence.

Engrossed Bill.

Bill enacted.

The engrossed Bill providing for recall elections in the town of Boxford (see House, No. 4381, amended) (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.

Orders of the Day.

House bills

Third reading bills.

Relative to precautions at railroad crossings (House, No. 3206);

Designating a certain bike path in the town of Millbury as the Honorable Richard Dwinell Memorial Blackstone Valley Bike Path (House, No. 3218);

Establishing the Essex County Commission on the Status of Women (House, No. 3410);

Relative to the transportation of swimming pools (House, No. 4025);

Authorizing the city of Methuen to repay the borrowing of certain monies for a period of up to 20 years (House, No. 4404) (its title having been changed by the committee on Bills in the Third Reading);

Relative to National Heritage commissions and corridors in the Commonwealth (House, No. 4492); and

Relative to a road maintenance revolving account in the town of Brewster (House, No. 4495) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

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

At seventeen minutes after eleven o'clock A.M., on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Wednesday at eleven o'clock A.M.

Wednesday, May 19, 2010.

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

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

Prayer.

God, Our Creator, our strength in adversity, our comfort in sorrow and our hope for the future, we pause for a moment of reflection and prayer at the opening of today's formal legislative session. As we address and evaluate the items which came before us today, let our minds and hearts be filled with the spirit of knowledge, truth and peace. Inspire us to make legislative decisions which serve both the current and future needs of the people and our society. Help us to remain faithful to our traditional human and moral principles and values as we together work to promote the common good, trust in our constitutions and in our long-standing national traditions. We thank You for our material and spiritual blessings. Grant us the wisdom to use all our gifts, blessings and human and natural resources in a mature, wise and common sense manner.

Bestow Your blessings on 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.

Silent Prayer.

Sergeant Joshua David Desforges.

During the session, at the request of the Chair (Mr. Petrolati of Ludlow), the members guests and employees stood in a moment of silent tribute for Sergeant Joshua David Desforges, who tragically lost his life on May 12th, while supporting combat troops in Marjeh, Afghanistan. A lifelong resident of Ludlow, Sergeant Desforges was an outstanding Marine, having received several commendations, medals and ribbons. He is survived by his parents, David and Arlene Desforges and his loving sister, Jenelle (Peanut) Desforges.

Governor's Message.

Millbury,—bill payment.

A message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to making a corrective change relative to the town of Millbury and payment of a certain bill (House, No. 4684), was filed in the office of the Clerk on Monday, May 17.

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

Resignation of Representative Ross of Wrentham.

The following communication was read; and spread upon the records of the House, as follows:

May 19, 2010.

Steven T. James, *Clerk*
House of Representatives
State House
Boston, MA. 02133

Dear Mr. Clerk,

Resignation of Representative Richard J. Ross of Wrentham.

I am writing to inform you that I am resigning as State Representative of the 9th Norfolk District in the House of Representatives effective at the close of session on Wednesday, May 19, 2010. I have enjoyed each and every moment spent as State Representative. I wish to express my sincerest thanks to all in the House of Representatives with whom I have had the honor to serve since 2004.

Very truly yours,

RICHARD J. ROSS,
State Representative.

Statement of Representative Linsky of Natick.

A statement of Mr. Linsky of Natick, was spread upon the records as follows:

Statement of Representative Linsky of Natick.

MR. SPEAKER: I would like to call to the attention of the House the fact that I will not be present in the House Chamber for the remainder of today's sitting due to a family medical emergency. Any roll calls that I may miss today will be due entirely to the reason stated.

Resolutions.

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

Mary Megan Donald.

Resolutions (filed by Mr. Ross of Wrentham) congratulating Mary Megan Donald of Medfield on receiving the Gold Award of the Girl Scouts of America;

Susan Herlihy.

Resolutions (filed by Mr. Ross of Wrentham) congratulating Susan Herlihy of Medfield on receiving the Gold Award of the Girl Scouts of America;

Kathleen Krah.

Resolutions (filed by Mr. Ross of Wrentham) congratulating Kathleen Krah of Medfield on receiving the Gold Award of the Girl Scouts of America;

Erin Monahan.

Resolutions (filed by Mr. Ross of Wrentham) congratulating Erin Monahan of Medfield on receiving the Gold Award of the Girl Scouts of America;

Emily O'Connell.

Resolutions (filed by Mr. Ross of Wrentham) congratulating Emily O'Connell of Medfield on receiving the Gold Award of the Girl Scouts of America;

Grace Thole.

Resolutions (filed by Mr. Ross of Wrentham) congratulating Grace Thole of Medfield on receiving the Gold Award of the Girl Scouts of America;

Resolutions (filed by Messrs. Stanley of Waltham, Atsalis of Barnstable and Honan of Boston) recognizing Dr. Georgios Papastergiou, prefect of Pieria, on his visit to Massachusetts; and

Dr. Georgios Papastergiou.

Resolutions (filed by Mr. Webster of Pembroke) on the occasion of the Maquan and School Street Square in the town of Hanson being dedicated in honor of PFC Belmioro Tavares.

PFC Belmioro Tavares.

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.

Mr. Rosa of Leominster presented a petition (subject to Joint Rule 12) of Dennis A. Rosa for legislation to authorize the Department of Children and Families to establish a sick leave bank for Rick Leclair, an employee of said department; and the same was referred, under Rule 24, to the committee on Rules.

Rick Leclair,— sick leave.

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

Representative Smola of Palmer and Senator Brewer presented a joint petition (subject to Joint Rule 12) of Todd M. Smola and Stephen M. Brewer for legislation to establish a sick leave bank for Susan Spera, an employee of the Department of Development Services; and the same was referred, under Rule 24, to the committee on Rules.

Susan Spera,— sick leave.

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

Papers from the Senate.

The House Bill requiring proof of liquor legal liability insurance by all persons licensed to sell alcoholic beverages for on-premises consumption (House, No. 947, amended), came from the Senate passed to be engrossed, in concurrence, with amendments in section 1, in line 3, by striking out the word "granted" and inserting in place thereof the word "issued"; and by adding the following three sections:

Liquor liability.

"SECTION 2. Said chapter 138 is hereby further amended by striking out section 64A and inserting in place thereof the following section:—

Liquor liability.

Section 64A. In any hearing by a licensing authority under the first paragraph of section 64 where a licensing authority finds that a licensee under section 12 has served or sold alcohol or alcoholic beverages either to a person under 21 years of age in violation of section 64 or to an intoxicated person in violation of section 69 within the 24 months immediately preceding the date of the alleged violation that is the subject of the hearing, the licensing authority may require, in addition to imposing any other sanctions, as a condition precedent to any modification, reinstatement or renewal of the license that the licensee provide a certificate of insurance for liquor liability providing security for the liability of the licensee to a limit of not less than $100,000 to any 1 person and $200,000 to all persons; provided, however, if the licensee is required to obtain insurance coverage under said section 12, then the licensing authority may increase the limits set by said section 12. Limits imposed or increased under this section shall be set at the discretion of the licensing authorities.

SECTION 3. The first sentence of the sixth paragraph of section 64B of said chapter 138, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— In any case in which a liquor liability insurance policy has been required or the limits of any such policy have been increased as a condition precedent to the modification, reinstatement or renewal of a license as provided in section 64A or section 67, a licensee shall disclose to the insurer that such policy has been required or such policy limits have been increased, shall provide to the liquor liability insurer the mailing address of the licensing authority and shall direct the insurer to include the licensing authority as a recipient of any notice which the insurer is required to issue to the licensee pursuant to chapter 175.

SECTION 4. [A] Section 67 of said chapter 138, as so appearing, is hereby amended by inserting after the word 'persons', in line 49, the following words:— ; provided, however, that if the licensee is required to obtain insurance coverage under said section 12, then the licensing authority may increase the limits set by said section 12.".

Under suspension of Rule 35, on motion of Mr. Bradley of Hingham, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn, and as subsequently corrected in section 4 by striking out [at "A"] the words "The first sentence of the sixth paragraph of section" and inserting in place thereof the word "Section") were considered forthwith; and they were adopted, in concurrence.

North Adams,— finances.

A petition (accompanied by bill Senate No. 2442) of Benjamin B. Downing and Daniel E. Bosley (with the approval of the mayor and city council) for legislation relative to the financial condition of the city of North Adams, was referred, in concurrence, to the committees on Revenue.

Howard Ray,— sick leave.

A petition of Michael O. Moore, Jennifer L. Flanagan and Dennis Rosa for legislation to establish a sick leave bank for Howard Ray, an employee of the Department of Education, came from the Senate

referred, under suspension of Joint Rule 12, to the committee on Public Service.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2448) was referred, in concurrence, to the committee on Public Service.

Reports of Committees.

Conservation and Recreation,—swimming pools.

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 Stephen Stat Smith, Paul J. Donato and others relative to the opening and closing of swimming pools under the jurisdiction of the Department of Conservation and Recreation. Under suspension of the rules, on motion of Mr. Smith of Everett, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Environment, Natural Resources and Agriculture. Sent to the Senate for concurrence.

Milton,—recreational facilities.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill authorizing the lease of certain recreational facilities to the town of Milton (House, No. 845) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4688). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

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

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 bill, as amended, was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Timilty of Milton, 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 in section 2, in line 14, by striking out the words "municipal or other public" and inserting in place the words "park or recreational".

The amendment was adopted; and the bill (House, No. 4688, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Wind projects,—land based.

Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to comprehensive siting reform for land based wind projects (Senate, No. 2260) 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 4687 [Representative Speranzo of Pittsfield, for the committee on Ways and Means, dissents]. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Wind projects,—land based.

Mr. Kafka of Stoughton, for said committee, reported that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading, with the amendment pending.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith. The amendment recommended by the committee on Ways and Means then was adopted; and the bill, as amended, was ordered to a third reading.

Boards of registration,—study.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on House, Nos. 303, 312 and 324, an Order relative to authorizing the committee on Consumer Protection and Professional Licensure to make an investigation and study of certain House documents concerning boards of registration (House, No. 4690).

Judiciary,—study.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on House, Nos. 1246, 1248, 1249, 1252, 1253, 1254, 1255, 1256, 1257, 1259, 1260, 1261, 1262, 1263, 1264, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1275, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1288, 1289, 1290, 1292, 1293, 1294, 1303, 1306, 1307, 1308, 1309, 1313, 1314, 1322, 1323, 1324, 1325, 1326, 1329, 1336, 1338, 1347, 1348, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1363, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1402, 1403, 1406, 1407, 1408, 1409, 1410, 1412, 1413, 1414, 1415, 1417, 1419, 1420, 1421, 1424, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1454, 1456, 1457, 1460, 1461, 1462, 1472, 1483, 1484, 1486, 1487, 1488, 1489, 1490, 1492, 1495, 1497, 1498, 1500, 1503, 1504, 1505, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1520, 1523, 1525, 1526, 1528, 1531, 1532, 1533, 1534, 1535, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1567, 1568, 1569, 1570, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1584, 1585, 1586, 1592, 1593, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1609, 1610, 1611, 1612, 1613, 1615, 1616, 1618, 1619, 1620, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1630, 1632, 1634, 1635, 1636, 1637, 1638, 1639, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1651, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1670, 1671, 1672, 1673, 1674, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1684, 1685, 1686, 1690, 1695, 1697, 1698, 1699, 1701, 1702, 1703, 1705, 1706, 1707, 1708, 1709, 1711, 1715, 1716, 1717, 1719, 1724, 1725, 1726, 1727, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1738, 1739, 1740, 1741, 1749, 1750, 1751, 1752, 1753, 1756, 1757, 1758, 1759, 1760, 1763, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1784, 1785, 1787, 1788, 1789, 1922, 2950, 3518, 3520, 3524, 3525, 3531, 3532, 3624, 3629, 3631, 3770, 3771, 3773, 3774, 3991, 3993, 3994, 3995, 3996, 3997, 3998, 4011, 4012, 4201, 4202 and 4425, an Order relative to authorizing the committee on the Judiciary to make an investigation and

study of certain House documents concerning matters relative to the Judiciary (House, No. 4691).

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 said orders; and recommending that the same severally be referred to the House committee on Rules.

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

Recess.

Recess.

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

Engrossed Bills.

Bill enacted.

The engrossed Bill establishing a sick leave bank for Stephen R. Fratalia, an employee of the Trial Court (see House, No. 4576), in respect to which the Senate had concurred in the adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Id.

The engrossed Bill amending the town of Yarmouth Home Rule Charter (see House No. 4175, amended) (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.

Engrossed Bill — Land Taking.

Chelmsford,— land.

The engrossed Bill authorizing the town of Chelmsford to convey certain conservation land and grant certain easements (see Senate, No. 2287, amended) (which originated in the Senate), 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. 396.

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 lands or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 157 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 396 in Supplement.]

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

Orders of the Day.

Third reading bill.

The House Bill establishing a regional public safety communications and dispatch center in the towns of Cohasset, Hingham, Hull and Norwell (House, No. 4610) (its title having been changed by the

committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Second reading bills and resolve.

Senate bills

Authorizing the town of Milton to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises of a certain restaurant (Senate, No. 141, amended);

Relative to a betterment assessment in the town of Sturbridge (Senate, No. 2043);

Authorizing the town of Carver to divert funds from the conservation fund (Senate, No. 2095);

Relative to the interest rate to be charged on certain betterment assessments in the town of Wareham (Senate, No. 2140);

Relative to interest rate to be charged on certain betterment assessments in the town of Wareham (Senate, No. 2141);

Authorizing the town of Carver to assess excise taxes on private water suppliers (Senate, No. 2143);

Relative to payment of property taxes in the town of Carver (Senate, No. 2145);

Authorizing the granting of easements and the conveyance of certain land in the town of Andover (Senate, No. 2154);

Exempting the position of deputy chief of police in the town of Wakefield from the civil service law (Senate, No. 2230);

Amending the charter of the town of Winchendon (Senate, No. 2333);

Relative to the North Carver water district (Senate, No. 2348); and

House bills

Relative to the recreational tramway board (House, No. 46);

To ensure secure voting equipment (House, No. 649);

Relative to absentee voting (House, No. 676);

Relative to pre-registration of voters (House, No. 683);

Relative to Title V approval (House, No. 751);

Designating a portion of the Captain William K. Webb Memorial State Park as Marys' Pointe (House, No. 791);

To assist seafood processors (House, No. 901);

Relating to the standard fire insurance policy (House, No. 960);

Relative to continuing education of insurance producers (House, No. 963, changed);

Relating to farmers' market insurance (House, No. 998);

Relative to William J. Higgins, an employee of the town of Nantucket (House, No. 1125);

Relative to the regulation of livery drivers (House, No. 1506);

Relative to the recall of elective officers in the town of North Andover (House, No. 1893);

Relative to property tax exemptions in the town of Ashland (House, No. 1904, changed);

Relative to public access of private restrooms (House, No. 2074);

Requiring police departments to notify school superintendents upon the issuance of felony complaints against students (House, No. 2213);

Further regulating the issuance of firearm identification cards and licenses to carry firearms (House, No. 2229);

Relative to the use of shotguns (House, No. 2232);

For the protection of gaming officials (House, No. 2234);

Regulating uniformed private security firms (House, No. 2272);

Relative to changes of rates and scheduling changes by commuter boats (House, No. 3172);

Naming the state transportation library the George M. Sanborn Library (House, No. 3266);

To exempt the weight of idle reduction systems for commercial vehicles from maximum weight restrictions (House, No. 3334);

Relative to the MBTA's Copley and Science Park Stations (House, No. 3363);

Providing appropriate public safety protections for security system user information (House, No. 3480);

Relative to private swimming pools (House, No. 3927);

Regulating elections in the town of Yarmouth (House, No. 4243);

Relative to land in the town of Plymouth (House, No. 4264);

Relative to easements in the town of Andover (House, No. 4318);

Authorizing the town of Cohasset to grant certain interests in land (House, No. 4322);

To exempt clerical positions in the town of Billerica from civil service (House, No. 4391);

To maintain the integrity of police investigations (House, No. 4392);

Authorizing the town of Belmont to recall elected officials (House, No. 4414);

Concerning the position of police chief in the town of Belmont (House, No. 4416);

Relative to public safety in the city of Holyoke (House, No. 4418);

Dedicating a certain bridge in the town of Westminster to Ryan Patrick Jones (House, No. 4437);

Relative to health insurance coverage for retired employees of the town of Brookline (House, No. 4451);

Relative to the investment powers of the Massachusetts Credit Union Share Insurance Corporation (House, No. 4483);

Authorizing James M. McGarry to continue to serve as police chief in the town of Sheffield (House, No. 4487); and

Relative to converting four (4) seasonal licenses for the sale of all alcoholic beverages to be consumed on the premises to four (4) annual licenses for the sale of all alcoholic beverages to be drunk on the premises and three (3) seasonal wine and malt beverage licenses to be consumed on the premises to three (3) annual wine and malt beverage licensed to be drunk on the premises (House, No. 4518); and

The Senate Resolve reviving and continuing the special commission relative to the establishment of a Cranberry Heritage Area (Senate, No. 1876);

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

Second reading resolve.

The Senate Resolve providing for an investigation and study by a special commission relative to reducing the wait time for medical equipment for children with special health care needs (Senate, No. 2319), was read a second time; and it was referred, under Joint Rule 1E, to the committee on Health Care Financing.

The House Bill relative to savings bank life insurance (House, No. 889, changed), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Quorum.

After debate on the question on passing the bill to be engrossed, Mr. Smizik of Brookline asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,— yea and nay No. 397.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 149 members were recorded as being in attendance.

[See Yea and Nay No. 397 in Supplement.]

Therefore a quorum was present.

After remarks on the question on passing the bill to be engrossed, Ms. Balser of Newton and other members of the House moved to amend it by striking out all after the enacting clause and inserting in place thereof the following:

"Section 120 of chapter 175 of General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the final sentence the following text:— All life companies and officers or agents thereof, in establishing rates, benefits and coverages, shall not discriminate on the basis of gender.".

Mr. Donato of Medford being in the Chair,—

Point of order.

Ms. Haddad of Somerset thereupon raised a point of order that the amendment offered by the lady from Newton, et als, was beyond the scope of the pending bill.

In answer to the point of order, the Chair (Mr. Donato) stated that the bill pending before the House and measures that make up its basis would amend only Chapter 178A, thereby changing the laws pertaining to savings bank life insurance only.

The amendment offered by the lady from Newton would amend Chapter 175, effectively amending insurance laws affecting additional life insurance issued by companies other than the Savings Bank Life Insurance Corporation and is therefore beyond the scope of the pending bill. The amendment then was laid aside accordingly.

Quorum.

After debate on the question on passing the bill to be engrossed, Mr. Guyer of Dalton asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Donato of Medford), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,— yea and nay No. 398.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 146 members were recorded as being in attendance.

[See Yea and Nay No. 398 in Supplement.]

Therefore a quorum was present.

Bill passed to be engrossed,— yea and nay No. 399.

After remarks on the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays at the request of Ms. Balser of Newton; and on the roll call 109 members voted in the affirmative and 48 in the negative.

[See Yea and Nay No. 399 in Supplement.]

Therefore the bill (House, No. 889, changed) was passed to be engrossed. Sent to the Senate for concurrence.

Reports of Committees.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to manufacturer rebates and discount programs (House, No. 4320), ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4689) [Representative Balser of Newton, for the committee on Ways and Means, dissenting]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Rebates and discount programs.

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

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. Koutoujian of Waltham, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn, as changed) was read a third time.

After remarks on the question on passing the bill to be engrossed, Mr. Lewis of Winchester moved to amend it by adding the following section:

"SECTION 4. The Division of Health Care Finance and Policy in consultation with the Department of Public Health shall conduct an analysis of the impact on health care costs of the use of discounts, rebates, product vouchers or other reductions for prescription drugs. The report shall include, but not be limited to an premiums associated with the group insurance commission, and a comparison of any change in utilization of generic versus brand name prescription drugs. The Division shall file a report of its findings with the clerks of the senate and house of representatives, the house and senate committees on ways and means and the joint committee on health care financing by no later than March 15, 2013.".

After remarks the amendment was adopted.

After remarks on the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays at the request of Mr. Koutoujian of Waltham; and on the roll call 156 members voted in the affirmative and 0 in the negative.

Bill passed to be engrossed,—yea and nay No. 400.

[See Yea and Nay No. 400 in Supplement.]

Therefore the bill (House, No. 4689, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

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

Next sitting.

Ms. Grant of Beverly then moved that as a mark of respect to the memory of Frances F. Alexander, a member of the House from Beverly from 1983 to 1990, inclusive, the House adjourn; and the motion prevailed.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at ten 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 day at eleven o'clock A.M., in an Informal Session.

Thursday, May 20, 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, we begin today's legislative session with a moment of silence, reflection and of a prayer in which we seek Your guidance and help. We believe that with Your assistance we are able to make decisions and choices which are reasoned and based on Your ways and commandments. In Your goodness, teach us to seek and speak the truth at all times. You are Truth. In weighing and evaluating the issues and items that come before us, may we always be open to the thoughts and insights of constituents and colleagues. Teach us to be guided by a common desire to strengthen and unite people in placing the common good above selfish interests. Inspire us to follow and develop public policies which enhance the dignity of each individual and protect the well-being of future generations.

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.

Guests of the House.

San Diego visitors.

During the session, the Chair (Mr. Donato) declared a brief recess and introduced a group of visitors from San Diego, California. They were the guests of Representative Pedone of Worcester.

Resolutions.

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

Brian Franklin.

Resolutions (filed by Representatives Barrows of Mansfield, Poirier of North Attleborough and Kafka of Stoughton) congratulating Brian Franklin on receiving the Eagle Award of the Boy Scouts of America;

Elliot Gault.

Resolutions (filed by Mr. D'Amico of Seekonk) congratulating Elliot Gault on receiving the Eagle Award of the Boy Scouts of America;

Adam Mendes.

Resolutions (filed by Mr. D'Amico of Seekonk) congratulating Adam Mendes on receiving the Eagle Award of the Boy Scouts of America;

Joseph A. Ciccolo.

Resolutions (filed by Mr. McMurtry of Dedham and other members of the House) congratulating Joseph A. Ciccolo on the occasion of his retirement; and

Shirley Peters.

Resolutions (filed by Messrs. Patrick of Falmouth and Madden of Nantucket) honoring Shirley Peters for her many contributions to the town of Mashpee;

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. Pedone of Worcester, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Orders.

The following order (filed by Mr. Speliotis of Danvers) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Consumer Protection and Professional Licensure,—extension of time for reporting.

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Consumer Protection and Professional Licensure be granted until Monday, May 31, 2010, in which to make its final report on House documents 181, 224, 225, 230, 236, 243, 252, 262, 263, 266, 278, 291, 295, 301, 306, 318, 3424, 3653, 3655, 4070, 4227, 4313, relative to consumer protection related issues in the Commonwealth.

Mr. Binienda of Worcester, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on motion on of Mr. Speliotis, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

The following order (filed by Mr. Straus of Mattapoisett) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Environment, Natural Resources and Agriculture,—extension of time for reporting.

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Environment, Natural Resources and Agriculture be granted until Tuesday, June 15, 2010, the time within which to make its final report on Senate documents numbered 372, 374, 380, 383, 385, 394, 404, 411, 414, 415, 416, 423, 426, 427, 431, 435, 441 and 2169 and current House documents numbered 703, 704, 732, 738, 748, 777, 813, 840, 850, 854, 3440, 3441, 3442, 3445, 3554, 3808 and 3881.

Mr. Binienda of Worcester, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on motion on of Mr. Straus, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

The following order (filed by Mr. Straus of Mattapoisett) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Id.

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Environment, Natural Resources and Agriculture be granted until Tuesday, June 15, 2010, the time within which to make its final report on Senate documents numbered 432 and 442 and current House documents numbered 721, 722, 726, 757, 759, 765, 778, 779, 780, 815, 834, 852, 853, 3439, 3672, 3674, and 4167.

Mr. Binienda of Worcester, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Straus, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

The following order (filed by Mr. Naughton of Clinton) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Veterans and Federal Affairs,—extension of time for reporting.

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Veterans and Federal Affairs be granted until Wednesday, June 9, 2010, the time within which to make its final report on Senate documents numbered 1992, 1993, 1994, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2005, 2006, 2007, 2008, 2010 and 2011 and current House documents numbered 3372, 3373, 3374, 3376, 3377, 3379, 3380, 3382, 3383, 3384, 3385, 3386, 3387, 3388, 3389, 3390, 3391, 3392, 3393, 3394, 3395, 3396, 3397, 3398, 3399, 3401, 3402, 3403, 3404, 3405, 3792, 3845, 4040 and 4543.

Mr. Binienda of Worcester, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Naughton, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Petitions.

Pittsfield,—licensing board.

By Representative Speranzo of Pittsfield and Senator Downing, a joint petition (accompanied by bill House, No. 4682) of Christopher N. Speranzo and Benjamin B. Downing (with the approval of the mayor and city council) that the city of Pittsfield be authorized to increase the size of their licensing board to five members; and the same was referred to the committee on Consumer Protection and Professional Licensure. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

Maria Hudson,—sick leave.

By Mr. Donato of Medford, a petition (subject to Joint Rule 12) of Paul J. Donato that the Department of Revenue be authorized to establish a sick leave bank for Maria Hudson, an employee of said department.

MWRA,—costs.

By Representative Rogers of Norwood and Senator Joyce, a joint petition (subject to Joint Rule 12) of John H. Rogers, Brian A. Joyce and others that the Water Resources Authority be prohibited from charging consumers for the costs incurred for damages caused by ruptured piping in the current year.

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

Paper from the Senate.

Municipal relief.

The House Bill relative to municipal relief (House, No. 4631), 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 2436.

Committee of conference.

Under suspension of the rules, on motion of Mr. Koutoujian of Waltham, the amendment was considered forthwith.

The House then non-concurred with the Senate in its amendment; and, on motion of Mr. Murphy of Burlington, asked for a committee

of conference on the disagreeing votes of the two branches. Representatives Donato of Medford, Murphy of Burlington and Barrows of Mansfield were appointed the committee on the part of the House. Sent to the Senate to be joined.

Reports of Committees.

Paid sick days.

By Ms. Stanley of West Newbury, for the committee on Health Care Financing, asking to be discharged from further consideration of the Bill establishing paid sick days (House, No. 1815), and recommending that the same be referred to the committee on Ways and Means. Note: It was subsequently discovered that this report inadvertently was not sent to the Senate for concurrence in the discharge of the joint committee.

Lyme disease.

By Ms. Stanley of West Newbury, for the committee on Health Care Financing, that the Resolve relative to Lyme disease and associated co-infections (House, No. 4480) ought to pass with an amendment substituting therefore a Bill relative to tick born illness (House, No. 4683). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently, with the amendment pending.

Drug waste.

By Ms. Stanley of West Newbury, for the committee on Health Care Financing, that the Bill relative prescription drug waste (House, No. 4479) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4686) [Cost: Greater than $100,000.00]. Read; and referred, under Rule 33, to the committee on Ways and Means, with the amendment pending.

Deceased persons,—transportation.

By Ms. Stanley of West Newbury, for the committee on Health Care Financing, that the Bill relative to the transporting of deceased persons (House, No. 2180) ought to pass with an amendment in lines 1 and 2 by striking out the paragraph in those lines and inserting in place the following paragraph:

"The third paragraph of section 4 of Chapter 38 of the General Laws is hereby amended by inserting at the end thereof the following words:".

Mental health,—emergency care.

By the same member, for the same committee, that the Bill improving emergency access to mental health services (House, No. 3465) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4681).

Community health workers.

By the same member, for the same committee, that the Bill to establish a board of certification of community health workers (House, No. 4130) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4692).

Ambulatory services.

By the same member, for the same committee, that the Bill further regulating the business of insurance in the Commonwealth by protecting insureds' rights to receive benefits for ambulance services and by restricting the ability of ambulance services to balance bill for services rendered (House, No. 4477) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4693).

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

By Ms. Stanley of West Newbury, for the committee on Health Care Financing, that the Bill relative to manufacturers' coupons and rebates (House, No. 3451) ought to pass [Cost: Greater than $100,000.00]. Read; and referred, under Rule 33, to the committee on Ways and Means. Coupons and rebates.

By Ms. Stanley of West Newbury, for the committee on Health Care Financing, that the following House bills ought to pass:

Repealing mandated benefits that are no longer effective (House, No. 3679); Benefits.

To eliminate antiquated language in health care requirements (House, No. 3920); Health care,—language.

Relative to inhalant abuse (House, No. 4254); and Inhalants.

Relative to nurse anesthetists (House, No. 4593); Anesthetists.

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

Engrossed Bills.

The engrossed Bill requiring proof of liquor legal liability insurance by all persons licensed to sell alcoholic beverages for an on-premises consumption (see House No. 947, amended) (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.

Orders of the Day.

The House Bill relative to certain exemptions in Massachusetts automobile insurance plans (House, No. 4476) (its title having been changed by the committee on Bills in the Third Reading), having been reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence. Third reading bill.

Recess.

At a quarter 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 until half past twelve o'clock noon; 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.

An order relative to extending until Wednesday, March 13, 2010 the time within which the committee on Environment, Natural Resources and Agriculture is authorized to report on current Senate and House documents, came from the Senate with the endorsement that it had been adopted, in concurrence, with an amendment striking out the date "Wednesday, March 31, 2010" and inserting in place thereof the date "Tuesday, June 15, 2010". Environment, Natural Resources and Agriculture,—extension of time for reporting.

Under suspension of the rules, on motion of Mr. Smizik of Brookline, the amendment was considered forthwith; and it was adopted, in concurrence.

An order came from the Senate with the endorsement that it had been adopted by said branch as follows:

Education,—extension of time for reporting.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the joint committee on Education be granted until Friday, June 4, 2010 to make its final report on current Senate documents numbered 245, 266, 267, 270, and 2067 and current House documents numbered 352, 355, 363, 409, 412, 414, 420, 425, 431, 436, 481, 486, 3428, 3435, 3659, and 3874 relative to personnel, regionalization and other student issues.

Under suspension of the rules, on motion of Ms. Walz of Boston, the order was considered forthwith; and it was adopted, in concurrence.

An order came from the Senate with the endorsement that it had been adopted by said branch as follows:

Financial Services,—extension of time for reporting.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the joint committee on Financial Services be granted until Wednesday, June 30, 2010 to make its final report on current Senate documents numbered 458, 462, 478, 489 and 501.

Under suspension of the rules, on motion of Mr. Koutoujian of Waltham, the order was considered forthwith; and it was adopted, in concurrence.

An order came from the Senate with the endorsement that it had been adopted by said branch as follows:

Telecommunications,Utilities and Energy,—extension of time for reporting.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the joint committee on Telecommunications, Utilities and Energy be granted until Wednesday, July 14, 2010 in which to make its final report on Senate documents numbered 1480, 1481, 1482, 1484, 1485, 1497, 1516, 1518, 1524, 1527, and 1533 relative to bottle bill, municipal light plant, energy efficiency, net metering, double pole, natural gas, utility and energy issues in the Commonwealth.

Under suspension of the rules, on motion of Mr. Dempsey of Haverhill, the order was considered forthwith; and it was adopted, in concurrence.

An order came from the Senate with the endorsement that it had been adopted by said branch as follows:

Transportation,—extension of time for reporting.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Transportation be granted until Wednesday June 16, 2010, within which time to make its final report on current Senate documents numbers 1985, 1986 and 1935.

Under suspension of the rules, on motion of Mr. Wagner of Chicopee, the order was considered forthwith; and it was adopted, in concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

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

At six minutes before one 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.

Monday, May 24, 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, at the beginning of this new work week we turn our attention and thoughts to You, to spiritual values and Your ways which offer meaning to and directions for our daily living. In struggling with the issues and items which come before us, let our hearts and minds be filled with the spirit of understanding, truth, knowledge and peace. May we be open to the suggestions of others as we propose and address legislation which, in our opinion, will benefit the people and our society in these unusual times. When we disagree on issues and public policy, teach us to respect the suggestions and principles of others. At the same time may we remain faithful to our own principles, values and beliefs as we labor to build safe, peaceful and prosperous communities.

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.

Resolutions.

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

Michael Abbott.

Resolutions (filed by Representatives Poirier of North Attleborough, Barrows of Mansfield and D'Amico of Seekonk) congratulating Michael Abbott on receiving the Eagle Award of the Boy Scouts of America;

Daniel Bartlett.

Resolutions (filed by Representatives Poirier of North Attleborough, Barrows of Mansfield and D'Amico of Seekonk) congratulating Daniel Bartlett on receiving the Eagle Scout Award of the Boy Scouts of America;

Andrew Fiore.

Resolutions (filed by Representatives Poirier of North Attleborough, Barrows of Mansfield and D'Amico of Seekonk) congratulating Andrew Fiore on receiving the Eagle Scout Award of the Boy Scouts of America;

Adam Marsan.

Resolutions (filed by Representatives Poirier of North Attleborough, Barrows of Mansfield and D'Amico of Seekonk) congratulating Adam Marsan on receiving the Eagle Scout Award of the Boy Scouts of America;

Bradford McKeen.

Resolutions (filed by Representatives Poirier of North Attleborough, Barrows of Mansfield and D'Amico of Seekonk) congratulating Bradford McKeen on receiving the Eagle Scout Award of the Boy Scouts of America;

Resolutions (filed by Mr. Barrows of Mansfield) congratulating Jeremy Pace Gygi on receiving the Eagle Award of the Boy Scouts of America; Jeremy Pace Gygi.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Christopher Baza on earning the Eagle Scout Award; and Christopher Baza.

Resolutions (filed Mr. Kujawski of Webster) congratulating Corporal John Silvestri on becoming the Grand Marshall of the 2010 Memorial Day Parade; John Silvestri.

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 Ms. Provost of Somerville, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Order.

An order (filed this day by Speaker DeLeo of Winthrop) relative to authorizing the Senate committee on Post Audit and Oversight, the House committee on Post Audit and Oversight and the joint committee on Environment, Natural Resources and Agriculture to sit jointly and hold hearings on the rupture of the MetroWest Water Supply Tunnel (House, No. 4702), was referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently. MWRA,—water flow disruption.

Mr. Binienda, for said committees, then reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Smizik of Brookline, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Annual and Special Reports.

Annual report of the Division of Health Care Finance Policy (under the provisions of Section 6A of Chapter 118G of the General Laws) of acute hospital financial performance in the Commonwealth for fiscal year 2009; and Hospitals,—finances.

Special report of the Division of Health Care Finance Policy (under the provisions of Section 35 of Chapter 305 of the Acts of 2008) relative to reserves, endowments and surpluses of hospitals in the Commonwealth; Id.

Severally were spread upon the records of the House; and placed on file.

Petitions.

By Representative Alicea of Charlton and Senator Moore, a joint petition (accompanied by bill, House, No. 4695) of Geraldo Alicea and Richard T. Moore (with the approval of the town council) for legislation to authorize the town of Southbridge to issue bonds for school improvement projects; Southbridge,—bonds.

By Mr. Smith of Everett, a petition (accompanied by bill House, No. 4696) of Steven Stat Smith (with the approval of the mayor, board of aldermen and common council) that the city of Everett be authorized to establish a revolving fund for linkage fees; and Everett,—linkage fees.

Everett,— inspectional services.

By Mr. Smith of Everett, a petition (accompanied by bill, House, No. 4697) of Steven Stat Smith (with the approval of the mayor, board of aldermen and common council) that the city of Everett be authorized to establish a department of inspectional services;

Severally to the committee on Municipalities and Regional Government.

Severally sent to the Senate for concurrence.

Papers from the Senate.

Bills

Water facilities,— inspection.

Authorizing governmental bodies to enter into contracts for the inspection, maintenance, repair or modification of water storage facilities (Senate, No. 2449) (on Senate bill, No. 2135); and

Aquatic nuisances.

Protecting lakes and ponds from aquatic nuisances (Senate, No. 2450) (on Senate bill, No. 2374);

Severally, passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

Reports of Committees.

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 following petitions:

Elise Lachance,— sick leave.

Petition (accompanied by bill) of David B. Sullivan relative to establishing a sick leave bank for Elise Lachance, an employee of the Department of Corrections; and

Carol Roberts,— sick leave.

Petition (accompanied by bill) of David B. Sullivan relative to establishing a sick leave bank for Carol Roberts, an employee of the Department of Transitional Assistance;

Severally to the committee on Public Service.

Under suspension of the rules, on motion of Mr. Smizik of Brookline, the reports were considered forthwith. Joint Rule 12 then was suspended; in each instance. Sent to the Senate for concurrence.

Teachers,— parochial schools.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill regarding protections extended to lay teachers in parochial schools (House, No. 1848),— and recommending that the same be referred to the House committee on Ways and Means.

Employment agencies,— regulations

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill updating and streamlining the regulation of employment agencies (House, No. 4623),— and recommending that the same be recommitted to the committee on Labor and Workforce Development.

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

Military personnel,— license plates.

By Mr. Wagner of Chicopee, for the committee on Transportation, on a message from His Excellency the Governor, a Bill relative to special license plates for certain military personnel (printed in House, No. 4588). Read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a message from His Excellency the Governor, a Bill making a technical correction in a special law relative to certain land in the town of Sherborn (printed in House, No. 4614). Sherborn,—land.

By Mr. Walsh of Lynn, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill to include the Saugus River watershed on the citizens advisory board on uses of the Rumney Marsh area (House, No. 4431). Rumney Marsh Reservation.

By Mr. Wagner of Chicopee, for the committee on Transportation, on a petition, a Bill designating a certain bridge as the United States Marine Corporal Nicholas G. Xiarhos bridge (House, No. 4616). Dennis and Yarmouth,—Xiarhos Bridge.

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

Orders of the Day.

The House Bill relative to noncompetition agreements (House Bill No. 4607) was read a second time. Noncompetition agreements.

Pending the question on ordering to a third reading, it was referred to the committee on the Judiciary, on motion of Mr. Pedone of Worcester. Sent to the Senate for concurrence in the reference.

Order.

On motion of Mr. DeLeo of Winthrop,—

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

At a half past eleven o'clock A.M., on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.

Tuesday, May 25, 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).

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 eight minutes after eleven o'clock A.M., on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House recessed until the hour of twelve o'clock noon; and at fourteen minutes after twelve o'clock the House was called to order with Mr. Donato in the Chair.

Order.

CORI,— reform.

Mr. Binienda of Worcester, for the committee on Rules, reported (under the provisions of House Rules 7B and 7C) an Order relative to special procedures for consideration of further amendments offered to the recommended new text of the Senate Bill reforming the administrative procedures relative to criminal offender record information and pre- and post-trial supervised release (Senate, No. 2220) (for order, see House, No. 4704). The order then was adopted.

Papers from the Senate.

Health insurance,— costs.

The Senate Bill to promote cost containment, transparency and efficiency in the provision of quality health insurance for individuals and small businesses (Senate, No. 2447) (on Senate bill No. 2437, which had been reported by the Senate committee on Ways and Means, under Senate Rule 19), passed to be engrossed by the Senate, was read; and it was referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Daniel M. Donovan III,— sick leave.

A petition of Fredrick E. Berry for legislation to establish a sick leave bank for Daniel M. Donovan III, an employee of the Department of Conservation and Recreation, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2453) was referred, in concurrence, to the committee on Public Service.

Reports of Committees.

Public Service,— study.

By Mr. Spellane of Worcester, for the committee on Public Service, on House, Nos. 11, 28, 63, 71, 72, 73, 74, 77, 105, 595, 614, 615, 616, 617, 1117, 1881, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2316, 2317, 2319, 2320, 2321, 2322, 2323, 2324, 2325,

2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2344, 2346, 2347, 2348, 2349, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2362, 2363, 2364, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2435, 2436, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2449, 2450, 2451, 2452, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2485, 2486, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2519, 2520, 2521, 2522, 2523, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2553, 2554, 2555, 2557, 2558, 2559, 2561, 2562, 2563, 2565, 2566, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2578, 2580, 2581, 2582, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2599, 2600, 2603, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2656, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 3482, 3483, 3603, 3725, 3726, 3728, 3729, 3730, 3731, 3732, 3733, 3734, 3735, 3736, 3737, 3738, 3739, 3740, 3741, 3742, 3830, 3831, 3832, 3929, 3930, 3931, 3932, 3933, 3934, 3935, 3936, 3937, 3938, 3939, 3940, 3941, 4073, 4097, 4098, 4099, 4124, 4173, 4196, 4239, 4463, 4539, 4540 and 4550, an Order relative to authorizing the committee on Public Service to make an investigation and study of certain House documents concerning matters relative to active and retired public employees (House, No. 4694).

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 said 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.

Youth development.

Report of the committees on Rules of the two branches, acting concurrently, that the Bill improving coordination of the youth workforce development system in the Commonwealth (House, No. 4624) ought NOT to pass (under Joint Rule 10).

Under suspension of the rules, on motion of Mr. Binienda of Worcester, the report was considered forthwith. The House then refused to reject the bill.

Under further suspension of the rules, on motion of Ms. Coakley-Rivera of Springfield, the bill was read a second time forthwith.

Pending the question on ordering the bill to a third reading, it was recommitted to the committee on Labor and Workforce Development, on further motion of the same member.

Criminal offender record information.

Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill reforming the administrative procedures relative to criminal offender record information and pre- and post-trial supervised release (Senate, No. 2220) 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 4703; and by striking out the title and inserting in place thereof the following title: "An Act reforming the administrative procedures relative to criminal offender record information.". 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; and, under said rule, it was placed in the Orders of the Day for a second reading, with the amendments pending.

Under suspension of Rule 7A, on motion of Mr. Pedone of Worcester, the bill was read a second time forthwith. The amendments recommended by the committee on Ways and Means then were adopted; and the bill, as amended, was ordered to a third reading.

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

Senate bills

Dudley,— police.

Amending police appointments in the town of Dudley (Senate, No. 1146) [Local Approval Received]; and

Carver,— property taxes.

Relative to property taxes in the town of Carver (Senate, No. 2144) [Local Approval Received]; and

House bills

Cell phones.

Relative to cellular telephone service (House, No. 272);

Warehousing.

Clarifying warehousing (House, No. 1425);

Animal trusts.

Relative to trusts for the care of animals (House, No. 1467);

Manslaughter.

Relative to manslaughter (House, No. 1614);

Warrants.

Relative to the interstate compact warrant (House, No. 1629);

Construction.

To promote fairness in private construction contracts (House, No. 1804);

Cambridge.

Relative to certain members of the Cambridge retirement system (House, No. 4280) [Local Approval Received]; and

Muskeget Island.

To ensure the proper conversation of Muskeget Island (printed in House, No. 4613);

Severally placed in the Orders of the Day for the next sitting for a second reading.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

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

Mr. Fallon of Malden then moved that as a mark of respect to the memory of Anthony W. Spadafora, a member of the House from Malden from 1955 to 1958, inclusive, the House adjourn; and the motion prevailed.

Accordingly, at twenty minutes after twelve o'clock noon, on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M.

Wednesday, May 26, 2010.

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

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

Prayer.

Eternal God, amid the stress and pressures of everyday life and the demands which are made upon our time and energy, we pause at the beginning of today's formal legislative session to turn our attention and thoughts to You, Our Creator and to organizing our priorities for the day in a thoughtful manner. Teach us to be mindful of the needs of constituents, of our districts and of our own families. May we continue to build trust in You and in each other as we work together to make Massachusetts a friendly state in which to live, educate our children and to work. May we also appreciate the privileges and blessing which we enjoy in the Commonwealth and in the country. Let our future be as rich in blessings and opportunities as our past history. May our society and communities be peaceful, civil and ethical.

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.

Statement Concerning Representative Kafka of Stoughton.

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

Statement concerning Mr. Kafka of Stoughton.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Mr. Kafka of Stoughton, is unable to be present in the House Chamber for today's sitting due to the pending birth of his grandchild in Israel. If he were able to be present for the taking of the yeas and nays on passing to be engrossed, in concurrence, the Senate Bill reforming the administrative procedures relative to criminal offender record information (Senate, No. 2220, amended), he would vote in the affirmative. Any roll calls that he may miss today will be due entirely to the reason stated.

Resolutions.

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

Harold S. Kushner.

Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) honoring Rabbi Harold S. Kushner for his fifty years of service to the Rabbinate;

Daniel H. Liben.

Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) honoring Rabbi Daniel H. Liben for his twenty-five years of service to the Rabbinate;

Resolutions (filed by Ms. Peisch of Wellesley) honoring Michael L. Bullister on receiving the Eagle Award of the Boy Scouts of America; Michael L. Bullister.

Resolutions (filed by Ms. Peisch of Wellesley) honoring Andrew S. H. Fixler on receiving the Eagle Award of the Boy Scouts of America; Andrew S. H. Fixler.

Resolutions (filed by Ms. Peisch of Wellesley) honoring Alexander J. Kaye on receiving the Eagle Award of the Boy Scouts of America; Alexander J. Kaye.

Resolutions (filed by Ms. Peisch of Wellesley) honoring Michael A. Wu on receiving the Eagle Award of the Boy Scouts of America; and Michael A. Wu.

Resolutions (filed by Representatives Richardson of Framingham and Sannicandro of Ashland) honoring John Costanza who bravely gave his life in the line of duty serving and protecting the residents of Framingham as a dedicated member of the fire department; John Costanza.

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 Mrs. Richardson, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Resolutions (filed with the Clerk by Representatives Stanley of West Newbury and Costello of Newburyport) celebrating the three hundred and seventy-fifth anniversary of the First Parish Church of Newbury, were referred, under Rule 85, to the committee on Rules. Newbury,—First Parish Church.

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

Annual and Special Reports.

Annual report of the Massachusetts Bay Transportation Authority (under the provisions of Section 5 of Chapter l61A of the General Laws) of its operations for 2009; and MBTA,—finances.

Special report of the Massachusetts Bay Transportation Authority (under the provisions of Section 11 of Chapter l61A of the General Laws) relative to its efforts to maximize non-transportation revenue; Id.

Severally were spread upon the records of the House; and placed on file.

Petitions.

By Representative Costello of Newburyport and Senator Baddour, a joint petition (accompanied by bill, House, No. 4708) of Michael A. Costello and Steven A. Baddour (with the approval of the mayor and municipal council) that the city of Amesbury be authorized to issue an additional license for the sale of alcoholic beverages to be drunk on the premises. To the committee on Consumer Protection and Professional Licensure. Amesbury,—liquor license.

By Mr. Pignatelli of Lenox, a petition (accompanied by bill, House, No. 4709) of William Smitty Pignatelli and Benjamin B. Downing (by vote of the town) that the town of Lee be authorized to grant certain retirement benefits to Stanley Daoust, an employee of the department of public works of said town. To the committee on Public Service. Lee,—Stanley Daoust.

Severally sent to the Senate for concurrence.

School Bus Drivers' Day.

Mr. Scibak of South Hadley presented a petition (subject to Joint Rule 12) of John W. Scibak for the issuance of an annual proclamation by the Governor setting apart October twentieth as School Bus Drivers' Day; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Mariano of Quincy, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

Municipal police,— training.

By Ms. Clark of Melrose (by request), a petition (subject to Joint Rule 12) of Lydia Marie XinZhen Brown relative to the curriculum taught at municipal police training schools.

Bethany M. Tsioropoulos,— sick leave.

By Mr. Dempsey of Haverhill, a petition (subject to Joint Rule 12) of Brian S. Dempsey for legislation to authorize the Massachusetts Rehabilitation Commission to establish a sick leave bank for Bethany M. Tsioropoulos, an employee of said commission.

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

Reports of Committees.

Real estate broker requirements.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill to clarify the requirements for licensing as a real estate broker or salesperson (Senate No. 121, amended) ought to pass with amendments in section 1 (as changed by the committee on Bills in the Third Reading) in line 4, by striking out the figures "2006" and inserting in place thereof the figures "2008"; and in section 2 (added by amendment by the Senate) by striking out the word "January" and inserting in place there of the word "June". Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendments pending.

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. Murphy of Lowell, the bill was read a second time forthwith. The amendments recommended by the committee on Ways and Means then were adopted; and the bill (Senate, No. 121, amended) was ordered to a third reading.

PERAC,— David Sennott.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to David Sennott and the public employees retirement administration and commission (House, No. 2375) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4706). 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.

Under suspension of Rule 7A, on motion of Mr. Murphy of Burlington, 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.

Saugus River,— water line.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill authorizing an alternative mode of design and construction for the relocation and replacement of a water line under the Saugus River (House, No. 4432) ought to pass with an amendment in lines 10 to 13, inclusive, by striking out the words "given that a replacement line is made necessary by and must be coordinated with the removal of the existing line so as to allow for both continuity of water service and for construction of planned bridge and roadway facilities and improvements along state route 107 within said city now under design by the Massachusetts department of transportation,". 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.

Under suspension of Rule 7A, on motion of Mr. Murphy of Burlington, the bill was read a second time forthwith. The amendment recommended by the committee on Ways and Means then was adopted; and the bill (House, No. 4432, amended) was ordered to a third reading.

Zoological corporation,— board.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill to reorganize the board of the Commonwealth Zoological Corporation (House, No. 4563) ought to pass with an amendment substituting therefore a bill with the same title (House No. 4707). 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.

Under suspension of Rule 7A, on motion of Mr. Lewis of Winchester, 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.

Orders of the Day.

House bills

Third reading bills.

Designating a certain section of highway Route 110 in the city of Haverhill as the Emilio Brothers Memorial Highway (House, No. 3197); and

Relative to the sewer service area for the town of Lunenburg (House, No. 4561).

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Senate bills

Second reading bills.

Amending police appointments in the town of Dudley (Senate, No. 1146); and

Relative to property taxes in the town of Carver (Senate, No. 2144); and

Second reading bills.

House bills

Relative to cellular telephone service (House, No. 272);

Clarifying warehousing (House, No. 1425);

Relative to trusts for the care of animals (House, No. 1467);

Relative to manslaughter (House, No. 1614);

Relative to the interstate compact warrant (House, No. 1629);

Relative to certain members of the Cambridge retirement system (House, No. 4280); and

To ensure the proper conversation of Muskeget Island (printed in House, No. 4613);

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

Recess.

Recess.

At twenty-eight minutes before twelve o'clock noon, on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at seven minutes after one o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Quorum.

Quorum.

Mr. Peterson of Grafton thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,— yea and nay No. 401.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 142 members were recorded as being in attendance.

[See Yea and Nay No. 401 in Supplement.]

Therefore a quorum was present.

Guests of the House.

John Costanza.

Mrs. Richardson of Framingham then took the Chair and introduced members of the family of the late John Costanza of Ashland. Representative Richardson then read and presented to the family resolutions (filed by her and Mr. Sannicandro of Ashland, which were adopted by the House prior to the noon recess) honoring Firefighter Costanza, who bravely gave his life in the line of duty serving and protecting the residents of Framingham, as a dedicated member of the fire department.

Emergency Measure.

Mr. Donato of Medford being in the Chair,—

Concord,— land conveyance.

The engrossed Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land to the Concord Housing Development Corporation for affordable housing and open space purposes (see House, No, 4442), 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.

Subsequently (Mr. Petrolati of Ludlow being in the Chair) 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 152 members voted in the affirmative and 0 in the negative.

Bill enacted (land taking),— yea and nay No. 402.

[See Yea and Nay No. 402 in Supplement.]

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

Subsequently a statement of Ms. Ferrante of Gloucester was spread upon the records of the House, as follows:

Statement of Ms. Ferrante of Gloucester.

MR. SPEAKER: I would like to call to the attention of the House the fact that, on the previous roll call, I was not present in the House Chamber due to the hospitalization of my mother. Had I been present, I would have voted in the affirmative.

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

Statement of Mr. Rogers of Norwood.

MR. SPEAKER: I would like to call to the attention of the House the fact that, on the previous roll call, I was not present in the House Chamber due to official business in another part of the State House. Had I been present, I would have voted in the affirmative.

Orders of the Day.

The Senate Bill reforming the administrative procedures relative to criminal offender record information (Senate, No. 2220, amended) (reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

Criminal offender record information.

After remarks on the question on passing the bill, as amended, to be engrossed, in concurrence, Mr. Fennell of Lynn moved to amend it in section 21, in line 260, after the word "custody", by inserting the following ", provided, however, housing authorities operating pursuant to Chapter 121B shall be authorized to obtain criminal offender record information for felony convictions for 20 years following their disposition, including termination of any period of incarceration or custody". The amendment was rejected.

The same member then moved to amend the bill in section 21, in line 291, by striking out the word "may" and inserting in place thereof the word "shall". The amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by striking out section 10 and inserting in place thereof the following section:

"SECTION 10. Said section 168 of said chapter 6, as so appearing, is hereby further amended by striking out, in lines 50 and 51, the words 'five hundred dollars for each willful violation thereof, after notice and hearing as provided by applicable law' and inserting in place thereof the following words:— $1,000 for a knowing violation thereof, $2,500 for a second knowing violation, and $5,000 for a third or subsequent knowing violation, after notice and hearing as provided by applicable law; provided, however, that the board shall not issue any orders, sanctions or fines against a law enforcement officer who, in good faith,

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obtains or seeks to obtain or communicates or seeks to communicate criminal offender record information in the furtherance of the officer's official duties.".

The amendment was adopted.

Mr. Driscoll of Braintree then moved to amend the bill by adding the following section:

"SECTION 129. Section 98A of Chapter 41 of the General Laws, as appearing in the 2006 Official Edition, is amended by replacing the entire section with the following:—

A police officer of a city or town may stop a person or vehicle in a city or town that borders the officer's city or town if the officer has reason to believe that the person or vehicle recently traveled through his or her city or town under circumstances where the officer would have had the authority to stop the person or vehicle for the purpose of making an arrest, placing an operator in protective custody, issuing a citation or taking any other enforcement action. Said officer may return any person so arrested or placed in protective custody to the jurisdiction wherein said offence was committed or other condition or violation was observed. No criminal case shall be dismissed, and no evidence in a criminal case shall be suppressed, based on the fact that a stop of a person or motor vehicle did not comport with this section. Nothing contained in this section shall be construed as limiting the powers of a police officer to make arrests and in so far as possible this section shall be deemed to be declaratory of the common law of the commonwealth.".

The amendment was rejected.

The same member and Ms. Clark of Melrose then moved to amend the bill by adding the following section:

"SECTION 129. There is hereby created the silver alert community response system. The system shall be used in alerting designated Massachusetts communities in cases involving missing and endangered older adults.

(a). The silver alert community response system shall:

1. Be used when an adult with serious memory impairment such as Alzheimer's disease or other dementia is reported to any police department in Massachusetts as a missing person and the police department or other appropriate agency has determined that the missing person should appropriately be the subject of a silver alert.

2. Direct and focus law enforcement and other key response resources in a cost-effective way in a geographic area consistent with the missing person's 'Point Last Known' and in accordance with the best available research data related to activities of persons with dementia.

(b). The executive office of public safety, in conjunction with the municipal police training committee shall develop and implement the silver alert system. The Secretary shall promulgate rules and regulations, as necessary, to ensure proper implementation of the silver alert. He shall do so in consultation with representatives of the executive office of elder affairs, attorney general's office, Massachusetts emergency management agency, state police, chiefs of police association, county sheriff's departments and district attorney's offices, department of conservation and recreation (rangers), and Massachusetts/New Hampshire chapter of the national Alzheimer's association.

(c). All first responders, 911 operators and any other appropriate personnel shall be trained on the silver alert system application and protocols; re-training will be included in yearly in-service trainings for these personnel; training will include information about older drivers whose memory impairments may put them at high risk for crashes or becoming lost while driving.

(d). The executive office of public safety shall develop a plan to ensure that the Silver Alert system will include use of a localized reverse 911 emergency phone system.

(e). The executive office of public safety shall consider coordinating the silver alert system with the national MedicAlert®+Safe Return Program®, a nationwide patient identification and family support program, supported locally by the Massachusetts Alzheimer's Association.".

The amendment was rejected.

Mr. Driscoll of Braintree then moved to amend the bill by adding the following section:

"SECTION 129. Section 60 of chapter 266 of the general laws, as so appearing, is hereby amended by striking out the entire section and inserting in place thereof the following new section:—

Whoever buys, receives or aids in the concealment of stolen or embezzled property, knowing it to have been stolen or embezzled, or whoever with intent to defraud buys, receives or aids in the concealment of property, knowing it to have been obtained from a person by a false pretense of carrying on business in the ordinary course of trade or whoever obtains or exerts control over property in the custody of any law enforcement agency, or any individual acting on behalf of a law enforcement agency, which is explicitly represented to him by any law enforcement officer or any individual acting on behalf of a law enforcement agency as being stolen and who intends to deprive its rightful owner permanently of the use and enjoyment of said property shall, if the value of such property does not exceed two hundred and fifty dollars, be punished for a first offense by imprisonment in a jailor house of correction for not more than two and one half years, or by a fine of not more than one thousand dollars; or if for a second or subsequent offense, or if the value of such property exceeds two hundred and fifty dollars, be punished by imprisonment in a state prison for not more than five years, or by a fine of five thousand dollars, or by both a fine and imprisonment. It shall not be a defense that the property was obtained by means other than through the commission of a theft offense if the property was explicitly represented to the accused as having been obtained through the commission of a theft offense.

Said Chapter 266 of the General Laws, as so appearing is hereby amended by inserting the following new section:—

Section 30F. Enhanced Theft — Receiving & Concealing

It is not a defense to a charge of receiving stolen property that the property was obtained by means other than through the commission of a theft offense if the property was explicitly represented to the accused person as being obtained through the commission of a theft offense.

Said Chapter 266 of the General Laws, as so appearing is hereby amended by inserting the following new section:—

Section 30B. Theft Using Emergency Exit to Avoid Apprehension or Detection

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A person commits theft by emergency exit if that person intentionally takes possession of, carries away, transfer or causes to be transferred, any merchandise displayed, held, stored or offered by sale by any store or other retail mercantile establishment with the intent of depriving the merchant of the possession, use of benefit of such merchandise or converting the same to the use of such person without paying to the merchant the value thereof and the person leaves a store by use of a designated emergency exit.

A violation of this Act shall be punished for a first offense by a fine of not less than two hundred and fifty dollars and not more than five hundred dollars, and for a second offense by imprisonment in the house of correction for not more than two and one half years or a fine not to exceed two thousand dollars, or by both fine and imprisonment and for subsequent offenses by imprisonment in the state prison for not more than five years, or by a fine of not more than five thousand dollars or by both such fine and imprisonment.

Said Chapter 266 of the General Laws, as so appearing, is hereby amended by inserting the following new section:—

Section 30G. Fraudulent/Bogus Receipts & Universal Product Codes

A person who, with intent to cheat or defraud a retailer, possesses, uses, utters, transfers, makes, alters, counterfeits, or reproduces a retail sales or return receipt, price ticket or a Universal Product Code Label, shall be punished for a first offense by imprisonment in the house of correction for not more than two and one half years or by a fine of not more than five hundred dollars or by both such fine and imprisonment, and for a second offense shall be punished by imprisonment in a house of corrections for not more than two and one half years or by a fine of not more than two thousand dollars or by both fine and imprisonment and subsequent offenses shall be punished by imprisonment in the state prison for not more than five years, or by a fine of not more than ten thousand dollars or by both such fine and imprisonment.

A person who, with intent to cheat or defraud a retailer, possesses fifteen (15) or more fraudulent retail sales or return receipts, price tickets, Universal Product Code Labels or possesses the device which purpose is to manufacture fraudulent retail sales receipts or Universal Product Code Labels, shall be punished by imprisonment in the state prison for not more than five years, or by a fine of not more than ten thousand dollars or by both such fine and imprisonment.

Chapter 266 of the General Laws, as so appearing, is hereby amended by inserting the following new section:—

Section 30H. Organized Retail Crime

Organized retail crime shall be defined as the stealing, embezzlement, or obtaining by fraud, false pretenses, or other illegal means, of retail merchandise in qualities that would not normally be purchased for personal use or consumption for the purpose of reselling or otherwise reentering such retail merchandise in commerce; or the recruitment of persons to undertake, or the coordination, organization, or facilitation of, such stealing, embezzlement, or obtaining by fraud, false pretenses, or other illegal means.

An Organized Retail Crime Ring is defined as three or more persons who associate for the purpose of engaging in the conduct of orga-

nized retail crime. In this section, 'retail merchandise' means one or more items of tangible personal property displayed, held, stored, or offered for sale in a retail establishment or merchandise explicitly represented to the person as being stolen retail merchandise.

A person who is guilty of organized retail crime shall be punished by imprisonment in a state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, if the aggregated value of the property or services involved in all crimes commitment by the individual or co-conspirators in an organized retail crime ring within the past one hundred and eighty days is at least $2,500 but less than $10,000; or (2) by imprisonment in a state prison of not less than 2 years and a maximum term of not more than 15 years, if the aggregated value of the property or services involved in all crimes commitment by the individual or co-conspirators in an organized retail crime ring within the past one hundred and eighty days is at least $10,000 or more.

For purposes of this section, a series of thefts committed by the same person from one or more mercantile establishments over a period of one hundred eighty days may be aggregated in one count and the sum of the value of all the property shall be the value considered in determining the degree of the organized retail theft involved.

Thefts committed by the same person in different counties that have been aggregated in one county may be prosecuted in any county in which one of the thefts occurred.

Leader of Organized Retail Crime Enterprise.

A person is a leader of an organized retail theft enterprise if he conspires with others as an organizer, supervisor, financier or manager, to engage for profit in a scheme or course of conduct to effectuate the transfer or sale of shoplifted merchandise. A leader of organized retail crime may be punished by a fine of not more than $250,000 or five times the retail value of the merchandise seized at the time of the arrest, whichever is greater and/or imprisonment in state prison for not more than twenty years.".

The amendment was rejected.

Mr. Driscoll of Braintree then moved to amend the bill by adding the following two sections:

"SECTION 129. Chapter 278 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after section 6A the following section:—

Section 6B. (a) A certificate of analysis prepared under sections 39 or 41 of chapter 22C, section 24(1)(e) of chapter 90, section 13 of chapter 111, section 36 of chapter 138 or section 121A of chapter 140 shall be admissible in a criminal, delinquency or youthful offender trial as *prima facie* evidence of the matters specified in those sections without requiring live testimony subject to the following procedures:

(1) The Commonwealth, through the attorney general or district attorney, shall file with the clerk of the court in which the case is pending a notice of intent to rely on a certificate of analysis without the testimony of the analyst. The notice, which may be included in the conference report required by Rule 11 of the Massachusetts Rules of Criminal Procedure, shall identify the type of certificate that will be offered at trial, shall be filed and served prior to the pretrial hearing

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scheduled pursuant to said Rule 11, or at a later date by leave of the court for good cause shown, and shall include a statement that defendants who fail to comply with paragraph 2 of this section forfeit their right to demand that the Commonwealth call the analyst as a witness at trial. Where notice is not included in the conference report, a certificate of service shall be affixed to the notice.

(2) If a defendant objects to admission of the certificate without the opportunity to confront the analyst, the defendant shall file with the clerk of the court in which the case is pending and serve on the Commonwealth an objection and demand for an analyst's presence. The objection and demand shall be filed on or before the date of the pretrial hearing scheduled pursuant to Rule 11 of the Massachusetts Rules of Criminal Procedure, or at a later date by leave of the court for good cause shown, and, in all events, no later than the compliance hearing scheduled pursuant to said Rule 11. A certificate of service shall be affixed to the objection and demand.

(3) When a defendant timely files an objection and demand for an analyst's presence at trial in the manner specified in paragraph 2, the certificate of analysis shall not serve as *prima facie* evidence unless the analyst who signed the certificate testifies for the Commonwealth or the defendant waives his right to confront the analyst.

(4) A defendant who fails to timely file an objection and demand for an analyst's presence at trial in the manner specified in paragraph 2 shall forfeit the right to demand that the Commonwealth present an analyst's testimony at trial and the certificate of analysis shall be admissible as *prima facie* evidence, without requiring the Commonwealth to present live testimony from an analyst.

(b) Continuances or other delays in the case occasioned by the demand for an analyst's presence at trial shall be excluded in computing the time within which the trial of any offense must commence under Rule 36 of the Massachusetts Rules of Criminal Procedure, and, absent bad faith by the Commonwealth, shall not constitute grounds for dismissal for want of prosecution.

(c) Nothing contained in this section shall require the Commonwealth to introduce a certificate of analysis at trial or limit the Commonwealth's ability to prove matters that may be contained in a certificate of analysis by any other method of competent proof.

(d) The notice and demand requirements of this section shall not apply to pretrial or other hearings in criminal cases, or to proceedings other than criminal, delinquency or youthful offender trials. In proceedings other than criminal trials, certificates of analysis may be admitted into evidence as otherwise permitted by law.

SECTION 130. This act shall apply to all criminal cases pending on or commenced after the effective date. For cases pending on the effective date that have advanced beyond the pretrial hearing scheduled under Rule 11 of the Massachusetts Rules of Criminal Procedure, the Commonwealth may file and serve the notice specified in paragraph (a)(1) of section 6B of chapter 278 within 30 days of the effective date, or at a later date by leave of the court for good cause shown, the defendant may file and serve the objection and demand specified in paragraph (a)(2) within 30 days of the Commonwealth's service of such notice, or at a later date by leave of the court for good cause shown,

and the trial shall be held no earlier than 45 days after the defendant's service of such objection and demand.".

The amendment was rejected.

Mr. McCarthy of East Bridgewater and other members of the House then moved to amend the bill by inserting after section 65 the following new section:

"SECTION 65A. Section 14 of chapter 123A of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences: The district attorney or the attorney general at the request of the district attorney may petition the court for a trial. In any trial held pursuant to this section, either the person named in the petition or the petitioning party may demand in writing that the case be tried to a jury, and upon such demand the case shall be tried to a jury.".

The amendment was adopted.

Ms. Wolf of Cambridge then moved to amend the bill in section 8 by adding the following paragraph:

"(f) The Department shall assure that no backlog of criminal offender records requests develop that impede necessary information related to employment, housing and other essential activities and services from being produced. If a backlog begins to develop, the Commissioner shall report the nature of the backlog and its impact on services to the Secretary of Public Safety and shall take action to remediate the cause of the backlog.".

The amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by, inserting after section 36 the following section:

"SECTION 36A. Chapter 6 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after section 178B the following new section:—

Section 178B½. Municipalities may, by local ordinance, require applicants for licenses in specified· occupations to submit a full set of fingerprints for the purpose of conducting a state and national criminal history records check pursuant to sections 168 and 172 of this chapter and 28 U.S.C. §534. Fingerprint submissions may be submitted by the licensing authority to the identification unit within the department of state police through the criminal history systems board, or its successor, for a state criminal records check and to the Federal Bureau of Investigation for a national criminal records check.

Municipalities may by local ordinance establish the appropriate fee charged to applicants for administering a fingerprinting system. For purposes pursuant to section 2LLL of chapter 29, $30 of said fee shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund; and the remainder of the fee may be retained by the licensing authority for costs associated with the administration of the system.".

The amendment was adopted.

Representatives Haddad of Somerset and Clark of Melrose then moved to amend the bill in section 21, in line 351, by inserting after the figures "1996." the following paragraph:

"(30) Special education school programs approved under chapter 71B may obtain from the department all criminal offender record

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information provided for in paragraph (3) of subsection (a); provided, further, that the department, with the assistance of the state police, shall provide said approved special education school programs with criminal offender record information from other states made available to the department, and the federal government for the purposes of criminal background checks for employees and potential employees of chapter 71B approved special education school programs.”.

The amendment was adopted.

Mr. Murphy of Burlington then moved to amend the bill by striking out section 69 and inserting in place thereof the following section:

“SECTION 69. Chapter 127 of the General Laws, as so appearing, is hereby amended by inserting after section 20A the following section:—

Section 20B. The sheriff of any county and in the case of women who are committed as pretrial detainees to the Massachusetts Correctional Institution at Framingham, the commissioner of correction, subject to rules and regulations established in accordance with the provisions of this section, may permit a detainee who is committed to a jail awaiting disposition of any criminal matter, except those being held for offenses listed in this section, to be classified to a pretrial diversion program operated by the sheriff’s office in the county where the court that committed the detainee is sitting.

The sheriff may extend the limits of the place of confinement of a detainee for the purpose of participation in this program and shall establish a classification system to determine the suitability of detainees who may be potential participants in this program. A person permitted to be away from the jail due to participation in this program may be accompanied by an employee of the sheriff’s office in the discretion of the sheriff or his designee.

For the duration of a detainee’s participation in the program, the detainee shall be deemed to be in custody as a pretrial detainee for the purpose of receiving credit pursuant to section 129B of chapter 127 and section 33A of chapter 279 toward any sentence he may receive, and may be charged with escape pursuant to section 16 of chapter 268 should he leave the place to which he is classified pursuant to his participation in the program without authorization or should he escape from custody while he is being transported pursuant to his participation in the program. For the duration of his participation in this program only, the detainee may receive additional deductions from any sentence that may be imposed in the case for which he was committed, for participation in work, education, or treatment programs designated by the sheriff pursuant to section 129D of chapter 127.

A detainee shall not be eligible to participate in this program if he is charged with: murder; any offense that carries the possibility of a life sentence; a violation of section 32, 32A, 32B, 32C, 32D, 32E, 32F, 323G, 32I, 32J, 32K, 33, 34, 37, 38, 39, and 40 of chapter 94C; section 13,14,15, 15A, 15B, 16, 17, 18, 18A, 19, 20, 21, 22, 22A, 23, 24, 24B, 25, 26, 26A or 26B of chapter 265; section 17, 34 or 35 of chapter 272; or an attempt to commit any crime referred to in these sections; or if he is detained under subsection (3) of section 58A of chapter 276. A detainee shall not be eligible to participate in this program if he is a sex offender, a sexually dangerous person as defined in section 1 of chap-

ter 123A, charged with committing a sexual offense as defined in said section 1 of said chapter 123A or is charged with violating section 24B of chapter 265. Placement of an individual in such program shall require victim notification as required under subsection (t) of section 3 of chapter 258B.".

The amendment was adopted.

Mr. Peterson of Grafton and other members of the House then moved to amend the bill by striking out section 113 and inserting in place thereof the following section:

"SECTION 113. Section 58A of chapter 276 of the General Laws, as so appearing, is hereby amended by striking out subsection (1) and inserting in place thereof the following subsection:—

(1) The commonwealth may move, based on dangerousness, for an order of pretrial detention or release on conditions for a felony offense that has an element of the offense the use, attempted use or threatened use of physical force against the person of another or any other felony that, by its nature, involves a substantial risk that physical force against the person of another may result, including the crimes of burglary and arson whether nor not a person has been placed at risk thereof, or a violation of an order pursuant to section 18, 34B or 34C of chapter 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209A or section 15 or 20 of chapter 209C, or arrested and charged with a misdemeanor or felony involving abuse as defined in section 1 of said chapter 209A or while an order of protection issued under said chapter 209A was in effect against such person, an offense for which a mandatory minimum term of 3 years or more is prescribed in chapter 94C, arrested and charged with a violation of section 13B of chapter 268 or a third or subsequent conviction for a violation of section 24 of chapter 90. (2) The commonwealth may move, based on dangerousness, for an order of pretrial detention or release on conditions for any convicted felon, person out on bail, person on probation who is arrested and charged with a violation of paragraph (1), (c) or (m) of section 10 of chapter 269 or arrested and charged with a violation of section 10G of said chapter 269; provided, however, that the commonwealth may not move for an order of detention under this section based on possession of a large capacity feeding device without simultaneous possession of a large capacity weapon.".

The amendment was adopted.

Mr. Evangelidis of Holden then moved to amend the bill by adding the following section:

"SECTION 129. Subparagraph e of Section 178D in Chapter 6 of the General Laws as appearing in the 2008 Edition is hereby amended by striking, in lines 31 and 32, the words:— or level 2.".

The amendment was adopted.

Mr. Koutoujian of Waltham then moved to amend the bill by inserting after section 56 the following two sections:

"SECTION 56A. Chapter 71 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after section 2B the following section:—

Section 2C. All school districts in the Commonwealth shall implement a specific policy and discipline code to address teen dating violence in public schools. Such policies shall clearly state that dating

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violence will not be tolerated and shall include guidelines for addressing alleged incidents of dating violence. Such policies may include a teen dating violence prevention task force comprised of staff, students and parents to provide awareness training and education for the school community. Such policies would include defining the issue of teen dating violence, recognizing warning signs, identifying issues of confidentiality, safety and appropriate legal school-based interventions.

SECTION 56B. Section 1 of chapter 71 of the General Laws, as appearing in the 2006 Official Edition, shall be amended by inserting in line 19 after the words, 'emotional development', the following words:— safe and healthy relationships with a focus on preventing sexual and domestic violence.".

The amendment was adopted.

Bill passed to be engrossed,— yea and nay No. 403.

On the question on passing the bill, as amended, to be engrossed, in concurrence, the sense of the House was taken by yeas and nays at the request on Mr. O'Flaherty of Chelsea; and on the roll call (Mr. Donato of Medford being in the Chair) 139 members voted in the affirmative and 17 in the negative.

[See Yea and Nay No. 403 in Supplement.]

Therefore the bill was passed to be engrossed, in concurrence (for text and title of bill as amended by the House, see House, No. 4712, published as amended). The bill (Senate, No. 2220, amended) then was sent to the Senate for concurrence in the amendments.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

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

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at eight minutes before seven o'clock P.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.

Thursday, May 27, 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.

Gracious God, as we open this morning's legislative session we take a moment to turn our attention to You, Our Creator and to reflect on our own spiritual values and beliefs. We believe that as Our Creator You watch over and care for us at all times. We also believe that Your guidance enables us to make decisions and choices which are right and honorable. On Monday we will observe and celebrate a national holiday, Memorial Day. On Memorial Day we remember and honor the deceased members of our armed forces. As a nation we express our gratitude to our fallen heroes for their personal sacrifices as well as the sacrifices of their families. In celebrating civic and religious parades and services on Monday, may we also keep in mind and in our own personal prayers and thoughts all the deceased members of our armed forces.

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.

Appointment to the Cranberry Equipment Station Board of Oversight.

Cranberry Station Oversight Board.

The Speaker announced the appointment of Representative Canessa of New Bedford to the Cranberry Experiment Station Board of Oversight (established under Section 261 of Chapter 60 of the Acts of 1994) for the purpose of advising and assisting the President of the University of Massachusetts in the management of said Cranberry Experiment Station.

Guests of the House.

Weymouth,—Ralph Talbot school students.

During the session, the Chair (Mr. Donato of Medford) declared a brief recess, and introduced a group of students from the Ralph Talbot School in Weymouth. The students, who were accompanied by several teachers from the school and parent chaperones, were the guests of Representative Murphy of Weymouth and Senator Hedlund.

Resolutions.

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

Jonathan Ryan Souza.

Resolutions (filed by Mr. Fagan of Taunton) congratulating Jonathan Ryan Souza on receiving the Eagle Award of the Boy Scouts of America;

Zachary E. Wirth.

Resolutions (filed by Mr. Fagan of Taunton) congratulating Zachary E. Wirth on receiving the Eagle Award of the Boy Scouts of America;

Fred Davis.

Resolutions (filed by Mr. Keenan of Salem) congratulating Fred Davis on his inspiring service to Plummer Home and his steadfast commitment to philanthropy;

Adam Glick.

Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) congratulating Adam Glick on receiving the Eagle Award of the Boy Scouts of America;

Otis,— anniversary.

Resolutions (filed by Mr. Pignatelli of Lenox) congratulating the town of Otis on its two hundredth anniversary;

Sonia Schreiber Weitz.

Resolutions (filed by Mr. Speliotis of Danvers) recognizing Sonia Schreiber Weitz upon being honored as a Woman of Courage by Peabody's Temple Ner Tamid;

Miles Theodore Crawford, Jr.

Resolutions (filed by Mr. Swan of Springfield) observing the celebration of the twenty-fifth anniversary of founding the Zion Community Baptist Church and Pastoralship of Reverend Miles Theodore Crawford, Jr.; and

Struggle against racism.

Resolutions (filed by Mr. Swan of Springfield and other members of the House) celebrating a milestone in the struggle against racism;

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. Smizik of Brookline, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Annual and Special Reports.

Annual reports

Property and Casualty Initiative.

Of the Property and Casualty Initiative, LLC (PCI) (under the provisions of subsection (e) of section 3 of Chapter 259 of the Acts of 1998) of its investments and certain activities during year 2009 [copies of said report forwarded by the Clerk to the House and Senate committees on Ways and Means and the joint committees on Revenue and Financial Services]; and

Life Insurance investment initiative.

Of the financial condition of the Massachusetts Life Insurance Community Investment Initiative (under the provisions of Section 2 (e) of Chapter 259 of the Acts of 1998) for the calendar year 2008;

Severally were spread upon the records of the House; and placed on file.

Petitions.

Chicopee,— term of mayor.

Mr. Wagner of Chicopee presented a petition (accompanied by bill, House, No. 4713) of Joseph F. Wagner, Thomas M. Petrolati and others (with the approval of the mayor and city council) that the city of Chicopee be authorized to increase the term of the mayor from two to four years; and the same was referred to the committee on Election Laws. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

Gas appliances.

By Mr. Costello of Newburyport, a petition (subject to Joint Rule 12) of Michael A. Costello relative to the definition of gas appliances and the equipping of such appliances with automatic ignition devices.

By Miss Gregoire of Marlborough, a petition (subject to Joint Rule 12) of Danielle W. Gregoire for legislation to further regulate the certification of real estate management companies. Real estate management.

By Ms. Hogan of Stow, a petition (subject to Joint Rule 12) of Kate Hogan for legislation to designate a certain bridge over Route 495 in the town of Bolton as the Harold E. Brown, Jr., Memorial Bridge. Bolton,—Brown Bridge.

By Ms. Khan of Newton, a petition (subject to Joint Rule 12) of Kay Khan for legislation to establish a fund to provide services for victims of human trafficking. Human trafficking.

By Mr. O'Flaherty of Chelsea, a petition (subject to Joint Rule 12) of Eugene L. O'Flaherty for legislation to make corrective changes to the Massachusetts Uniform Probate Code. Uniform Probate Code.

By Representative Peterson of Grafton and Senator Eldridge, a joint petition (subject to Joint Rule 12) of George N. Peterson, Jr., James B. Eldridge, Carolyn C. Dykema and Karyn E. Polito relative to the process of granting additional liquor licenses. Liquor licenses.

By Mr. Rogers of Norwood, a petition (subject to Joint Rule 12) of John H. Rogers for legislation to require the installation of carbon monoxide and natural gas detectors in certain buildings and structures in the Commonwealth. Buildings,—carbon monoxide.

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

Reports of Committees.

By Mr. Sánchez of Boston, for the committee on Public Health, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 2031) of Christine E. Canavan, Mary E. Grant and others for an investigation by a special commission (including members of the General Court) relative to patient care; Patient care,—study.

Of the petition (accompanied by bill, House, No. 2069) of Viriato Manuel deMacedo, Bradley H. Jones, Jr., and others relative to establishing a nursing advisory board in the Commonwealth; Nursing advisory board.

Of the petition (accompanied by bill, House, No. 2086) of Kay Khan, Richard T. Moore and Timothy J. Toomey, Jr. for legislation to establish a nursing advisory board within the Executive Office of Health and Human Services; Id.

Of the petition (accompanied by bill, House, No. 3477) of Stephen Kulik, John W. Scibak and Anne M. Gobi for legislation to regulate restrictions on land used for farming under the public health law; and Farming,—land use.

Of the petition (accompanied by bill, House, No. 3912) of Ellen Story, Frank I. Smizik and others relative to the establishment of a nursing advisory board within the Executive Office of Health and Human Services; Nursing advisory board.

And recommending that the same severally be referred to the committee on Health Care Financing.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

By Mr. Dempsey of Haverhill, for the committee on Economic Development and Emerging Technologies, on a petition, a Bill establishing the Massachusetts Opportunity Rebuilding and Expansion Infrastructure Program (House, No. 337). Infrastructure Program.

Waterfront development.

By the same member, for the same committee, on a petition, a Bill providing loans for waterfront development (House, No. 343).

Severally read; and referred, under Rule 17G, to the House committee on Bonding, Capital Expenditures and State Assets.

Job creation.

By Mr. Dempsey of Haverhill, for the committee on Economic Development and Emerging Technologies, on so much of House, No. 4490 as relates to sections 4 to 23, inclusive, a Bill establishing the Massachusetts growth capital corporation (House, No. 4705). Read; and referred, under Rule 33, to the committee on Ways and Means.

Franklin,— charter.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to the charter of the town of Franklin (House, No. 4652) [Local Approval Received].

Millbury,— bill payment.

By the same member, for the same committee, on a message from His Excellency the Governor, a Bill making a corrective change relative to the town of Millbury and payment of a certain bill (printed in House, No. 4684).

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

Orders of the Day.

House bills

Third reading bills.

Designating a certain road in the town of Uxbridge as the Benny Emerick's Road to Boston (House, No. 3182) (it's title having been changed by the committee on Bills in the Third Reading);

Relative to the proper conservation of Muskeget Island (printed in House, No. 4613) (it's title having been changed by the committee on Bills in the Third Reading); and

Relative to David Sennott and the Public Employees Retirement Administration and Commission (House, No. 4706);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

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

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

Tuesday, June 1, 2010.

The House was called to order by Mr. Donato of Medford (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair), there being no objection, sooner than the time to which it had adjourned, at five minutes before the hour of eleven o'clock A.M., in an Informal Session.

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.

Recess.

At three minutes before the hour of eleven o'clock A.M., on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House recessed until a quarter after twelve o'clock noon; and at twenty-five minutes after twelve o'clock the House was called to order with Mr. Donato in the Chair. Recess.

Resolutions.

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

Resolutions (filed by Representatives Khan of Newton, Balser of Newton and Koutoujian of Waltham) congratulating Dr. V. James Marini on the occasion of his retirement from the Newton Public Schools; V. James Marini.

Resolutions (filed by Representatives Khan of Newton, Balser of Newton and Koutoujian of Waltham) congratulating Dr. Patricia Kelly on the occasion of her retirement from the Newton Public Schools; Patricia Kelly.

Resolutions (filed by Mr. Kujawski of Webster) congratulating the Polish American Veterans of Webster and Dudley, Inc. on their fiftieth anniversary; Polish American Veterans.

Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) honoring John Hughes on the occasion of his retirement; John Hughes.

Resolutions (filed by Ms. Peisch of Wellesley) congratulating Michael G. Bramante on receiving the Eagle Scout Award of the Boy Scouts of America; Michael G. Bramante.

Resolutions (filed by Ms. Peisch of Wellesley) congratulating Nicholas J. Haradhvala on receiving the Eagle Scout Award of the Boy Scouts of America; Nicholas J. Haradhvala.

Resolutions (filed by Ms. Peisch of Wellesley) congratulating Spencer B. Iuliano on receiving the Eagle Scout Award of the Boy Scouts of America; and Spencer B. Iuliano.

Resolutions (filed by Ms. Story of Amherst) recognizing Hampshire College on the occasion of its fortieth anniversary celebration; Hampshire College.

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. Smizik of

Brookline, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communications.

Communications

Community Health Workers.

From the Massachusetts Department of Public Health Community Health Workers Advisory Council relative to its investigation and study of the development of a sustainable community health workers program;

Farm Technology Commission.

From the Farm Technology Review Commission submitting a report on the progress, objectives and recommendations of said commission; and

MassDOT,—technology systems.

From the Massachusetts Department of Transportation (Mass DOT) relative to an inventory of all information technology systems currently used by said department;

Severally were spread upon the records of the House; and placed on file.

Annual and Special Reports.

Barnstable County,—technology fund.

A special report of the Barnstable County Registry of Deeds (under Section 2KKK of Chapter 29 of the General Laws) submitting a plan for an expenditure of funds currently held in the County Registers Technological Fund [copies of said report forwarded by the Clerk to the House committee on Post Audit and Oversight and the House committee on Ways and Means]; and

Annual reports

Property and Casualty Initiative.

Of the Property and Casualty Initiative, LLC (PCI) (under the provisions of subsection (e) of section 3 of Chapter 259 of the Acts of 1998) of its investments and certain activities during year 2009 [copies of said report forwarded by the Clerk to the House and Senate committees on Ways and Means and the joint committees on Revenue and Financial Services]; and

Life Insurance Initiative.

Of the Financial condition of the Massachusetts Life Insurance Community Investment Initiative (under the provisions of Section 2 (e) of Chapter 259 of the Acts of 1998) for the calendar year 2008;

Severally were spread upon the records of the House; and placed on file.

Petition.

Hingham,—donation system.

Representative Bradley of Hingham and Senator Hedlund presented a joint petition (accompanied by bill, House, No. 4714) of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) that the town of Hingham be authorized to implement a voluntary donation system and providing for the establishment of a veterans council assistance fund for said town, was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

Affordable housing.

By Ms. Callahan of Sutton, a petition (subject to Joint Rule 12) of Jennifer M. Callahan for legislation to mandate that local needs are considered in the development of affordable housing.

By Ms. Walz of Boston, a petition (subject to Joint Rule 12) of Martha M. Walz that the Division of Capital Asset Management and Maintenance be authorized to transfer the care, custody and control of a certain parcel of land for improvements to the MBTA Science Park Station. Science Park Station.

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

Papers from the Senate.

The House Bill relative to municipal relief (House, No. 4631) came from the Senate with the endorsement that said branch had insisted on its amendment (in which the House had non-concurred). Municipal relief.

The bill bore the further endorsement that the Senate had concurred with the House in the appointment of a committee of conference on the disagreeing votes of the two branches; and that Senators Panagiotakos, Eldridge and Ross had been joined as the committee on the part of the Senate. Committee of conference.

A petition of Bruce E. Tarr for legislation to establish a sick leave bank for Sharon Baert, an employee of the Department of Developmental Services, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service. Sharon Baert,— sick leave.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2466) was referred, in concurrence, to the committee on Public Service.

Reports of Committee.

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

Senate bills

Designating the East Brookfield District Courthouse as the Francis H. George Courthouse (Senate, No. 1575); East Brookfield.

Regulating certain insurance benefits for the elected officials of the town of Newbury (Senate, No. 2096) [Local Approval Received]; Newbury,— benefits.

Exempting the position of fire chief in the city of Gloucester from the civil service law (Senate, No. 2102) [Local Approval Received]; Gloucester,— fire chief.

Further regulating tanning facilities (Senate, No. 2339); and Tanning.

Relative to recall in the town of Middlefield (Senate, No. 2391) [Local Approval Received]; and Middlefield.

House bills

To eliminate the use of the word retardation from the General Laws (House, No. 176); Retardation.

For equity for school principals (House, No. 371, changed); Principals.

Relative to mercury management (House, No. 3443); Mercury.

Authorizing the town of Sherborn to use certain town forest land (House, No. 4585) [Local Approval Received]; Sherborn,— forest land.

Validating actions taken at a special town election held in the town of Ashfield (printed in House, No. 4612); Ashfield,— town election.

Promoting fairness in private construction contracts (House, No. 4641); Construction.

Relative to the board of elementary and secondary education (House, No. 4645); and Education.

Employment.

Relative to disclosure of employment information (House, No. 4647).

Severally placed in the Orders of the Day for the next sitting for a second reading.

Orders of the Day.

Third reading bill.

The House Bill relative to the Yarmouth Marina (House Bill, No. 4321), 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.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

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

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

Wednesday, June 2, 2010.

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

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

Prayer.

Lord God, Our Creator, the Ultimate Source of Wisdom, Knowledge and Goodness, we pause for a moment of prayer and reflection as we turn our thoughts and attention to You and spiritual values. Help us to keep our personal and legislative goals in clear focus so that our daily lives will have direction and meaning. Continuing in the spirit of Memorial Day, which we observed on Monday, teach us as a people to be grateful for our blessings and privileges, mindful of our obligations as citizens and open to Your inspirations as we struggle with our current economic and political challenges and great opportunities. May our elected officials be thoughtful and wise, the people civil and industrious and our society compassionate and happy. In building and strengthening our communities, may we be faithful to our traditional principles, our conscience and traditional spiritual values.

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.

Statement Concerning Representative Bosley of North Adams.

A statement of Mr. Vallee of Franklin concerning Mr. Bosley of North Adams was spread upon the records of the House, as follows:

Statement concerning Mr. Bosley of North Adams.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Bosley of North Adams, was unable to be present in the House Chamber for today's sittings due to business in his district. Had he been present for the taking of the yeas and nays on the question on passing to be engrossed the Bill relative to the agreement among the states to elect the President by national popular vote, he would have voted in the affirmative. His missing of roll calls today is due entirely to the reason stated.

Statement Concerning Representative Kafka of Stoughton.

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

Statement concerning Mr. Kafka of Stoughton.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Kafka of Stoughton, was unable to be present in the House Chamber for today's sittings due to the birth of his grandson in Israel. Had he been present for the

taking of the yeas and nays on the question on passing to be engrossed the Bill relative to the agreement among the states to elect the President by national popular vote, he would have voted in the affirmative. His missing of roll calls today and last week is due entirely to the reason stated.

Communications.

Communications

Green Communities Program.

From the Green Communities Program Division of the Department of Energy Resources submitting an annual report detailing the expenditures and results of said program and a proposed budget for fiscal year 2011;

Health Care Financing.

From the Division of Health Care Finance and Policy within the Executive Office of Health and Human Services submitting a final report on health care cost trends for 2010;

Id.

From the Division of Health Care Finance and Policy within the Executive Office of Health and Human Services submitting a report on endowments and surpluses of health insurers in the Commonwealth; and

Minority and Women Business Assistance.

From the State Office of Minority and Women Business Assistance submitting its annual report on the performance of the affirmative marketing program for the year 2009;

Severally were spread upon the records of the House; and placed on file.

Annual and Special Reports.

Bristol County,—technology fund.

A special report of the Bristol County Registry of Deeds (under Section 2KKK of Chapter 29 of the General Laws) submitting a plan for an expenditure of funds currently held in the County Registers Technological Fund [copies of said report forwarded by the Clerk to the House committee on Post Audit and Oversight and the House committee on Ways and Means];

MassDOT,—contracts and bridge program.

Quarterly report of the Massachusetts Department of Transportation (MassDOT) (under the provisions of Section 12 of Chapter 86 of the Acts of 2008 and Section 18 of Chapter 233 of the Acts of 2008) relative to completion estimates for contracts and the accelerated bridge program;

Annual reports

Health Care Security Trust.

Of the Health Care Security Trust (under the provisions of paragraph (h) of Section 4 of Chapter 29D of the General Laws) submitting its operating budget for fiscal year 2011;

Lehman Center for Patient Safety.

Of the Betsy Lehman Center for Patient Safety and Medical Error Reduction (under the provisions of Section 16E (f) of Chapter 6A of the General Laws) for the year 2009; and

Enhanced 911 Fund.

Of the Department of Telecommunications and Cable (under the provisions of Section 16H (b) of Chapter 6A of the General Laws) on the financial condition of the Enhanced 911 Fund for the period ending May 2, 2010;

Severally were spread upon the records of the House; and placed on file.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Conroy of Wayland, a petition (accompanied by bill, House, No. 4715) of Thomas P. Conroy, James B. Eldridge and Susan C. Fargo (by vote of the town) that the town of Sudbury be authorized to enter into certain wireless facility contracts; and Sudbury,—contracts.

By Mr. Conroy of Wayland, a petition (accompanied by bill, House, No. 4718) of Thomas P. Conroy, James B. Eldridge and Susan C. Fargo (by vote of the town) relative to authorizing the town of Sudbury to enter into long-term lease agreements to provide for certain energy facilities at the landfill located in said town; Sudbury,—lease.

Severally to the committee on Municipalities and Regional Government.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Bradley of Hingham, a petition (subject to Joint Rule 12) of Garrett J. Bradley (by vote of the town) that the Board of Library Commissioners for the Commonwealth be directed to certify the public library of the town of Hull and providing that said library be eligible for assistance under the public libraries program. Hull,—library.

By Mr. O'Flaherty of Chelsea, a petition (subject to Joint Rule 12) of Eugene L. O'Flaherty for legislation to amend certain adoption laws. Adoption.

By Mr. O'Flaherty of Chelsea, a petition (subject to Joint Rule 12) of Eugene L. O'Flaherty for legislation to establish a forensic sciences advisory board within the Executive Office of Public Safety and Security. Forensics,—advisory board.

By Mr. O'Flaherty of Chelsea, a petition (subject to Joint Rule 12) of Eugene L. O'Flaherty for legislation to establish a uniform trust code for the Commonwealth. Uniform trust code.

Severally, under Rule 24 to the committee on Rules.

Recess.

At thirteen minutes after the hour of eleven o'clock A.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at six minutes after one o'clock P.M. the House was called to order with Mr. Petrolati of Ludlow in the Chair. Recess.

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 following petitions:

Petition (accompanied by bill) of Danielle W. Gregoire for legislation to further regulate the certification of real estate management companies. To the committee on Consumer Protection and Professional Licensure. Real estate management.

Petition (accompanied by bill) of Danielle W. Gregoire for issuance by the Governor of an annual proclamation setting apart the fourth Saturday of September in memory of Eunice Kennedy Shriver, the founder of the Special Olympics. To the committee on State Administration and Regulatory Oversight. Eunice Kennedy Shriver Day.

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

Medical errors.

By Mr. Sánchez of Boston, for the committee on Public Health, on Senate, Nos. 807, 834, 866, 878 and 909 and House, Nos. 2059, 2073, 2084, 2118, 2128, 2135, 2138, 2139, 3722 and 3910, a Bill reducing medical errors and improving patient safety (House, No. 4720). Referred, under Joint Rule 1E, to the committee on Health Care Financing.

Northborough,—liquor license.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on House, No. 4651, a Bill authorizing the town of Northborough to grant an additional license for the sale of all alcoholic beverages (House, No. 4719) [Local Approval Received].

Provincetown,—excise tax.

By Mr. Kaufman of Lexington, for the committee on Revenue, on a petition, a Bill relative to the room occupancy excise tax in the town of Provincetown (House, No. 4653) [Local Approval Received].

Duxbury,—seawalls.

By the same member, for the same committee, on a petition, a Bill relative to seawalls in the town of Duxbury (House, No. 4655) [Local Approval Received].

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

Orders of the Day.

Second reading bills.

Senate bills

Designating the East Brookfield District Courthouse as the Francis H. George Courthouse (Senate, No. 1575);

Regulating certain insurance benefits for the elected officials of the town of Newbury (Senate, No. 2096);

Exempting the position of fire chief in the city of Gloucester from the civil service law (Senate, No. 2102);

Further regulating tanning facilities (Senate, No. 2339); and

Relative to recall in the town of Middlefield (Senate, No. 2391); and

House bills

To eliminate the use of the word "retardation" from the General Laws (House, No. 176);

Relative to mercury management (House, No. 3443);

Authorizing the town of Sherborn to use certain town forest land (House, No. 4585);

Validating actions taken at a special town election held in the town of Ashfield (printed in House, No. 4612);

Promoting fairness in private construction contracts (House, No. 4641); and

Relative to the board of elementary and secondary education (House, No. 4645);

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

The House Bill to promote fairness in private construction contracts (House, No. 1804) was read a second time.

Construction,— fairness.

Pending the question on ordering the bill to a third reading, Mr. Flynn of Bridgewater moved to amend it by substitution of a Bill promoting fairness in private construction contracts (House, No. 4721), which was read.

The amendment was adopted; and the substituted bill was ordered to a third reading.

The House Bill relative to the agreement among the states to elect the President by national popular vote (House, No. 4156) was read a second time.

Presidential elections.

Pending the question on ordering the bill to a third reading, Mr. Jones of North Reading asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 146 members were recorded as being in attendance.

Quorum,— yea and nay No. 404.

[See Yea and Nay No. 404 in Supplement.]

Therefore a quorum was present.

After debate on the question on ordering the bill to a third reading, Messrs. Straus of Mattapoisett and Fernandes of Milford moved to amend it in section 2, in line 20, after the word "winner", by inserting the words "if said slate has received a minimum of forty percent of the total votes cast in each State of the United States and in the District of Columbia". After remarks the amendment was rejected.

The same members then moved to amend the bill in section 2, in line 45, by striking out the word "when" and inserting in place thereof the following "if by January 1, 2015". After remarks the amendment was rejected.

Mr. Frost of Auburn and other members of the House then moved to amend the bill in section 2, in lines 42 and 43, and also in line 45, by striking out the words "states cumulatively possessing a majority of the electoral votes" and inserting in place thereof, in each instance, the following "3/4 of the states cumulatively possessing no less than a majority of the electoral votes".

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 45 members voted in the affirmative and 107 in the negative.

Amendments rejected,— yea and nay No. 405.

[See Yea and Nay No. 405 in Supplement.]

Therefore the amendments were rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by striking all after the enacting clause an inserting in place thereof the following:

"SECTION 1. Section 8 of chapter 53 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after 'electors', in line 15, the following sentence:— One Presidential elector shall be chosen from each congressional district, and two Presidential electors shall be chosen at large.

Presidential elections.

SECTION 2. Chapter 54 of the General Laws, as so appearing, is hereby amended by striking out section 148 and inserting in place thereof the following section:—

Section 148. The persons chosen as Presidential electors shall meet at the state house on the date fixed by federal law next following their election at three o'clock in the afternoon and organize by the choice of a presiding officer and secretary. The state secretary shall call the meeting to order, call the roll of electors, and preside until a presiding officer shall be chosen. The secretary of the electors shall keep a journal of their proceedings and deposit the same in the office of the state secretary, where it shall be recorded and filed. Each at-large Presidential elector shall cast his ballot for the Presidential and Vice-Presidential candidates whose electors received the highest number of votes in the state. Each congressional district Presidential elector shall cast his ballot for the Presidential and Vice-Presidential candidates whose electors received the highest number of votes in his congressional district.".

Amendment rejected,— yea and nay No. 406.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Frost of Auburn; and on the roll call (Mr. Mariano of Quincy being in the Chair) 31 members voted in the affirmative and 121 in the negative.

[See Yea and Nay No. 406 in Supplement.]

Therefore the amendment was rejected.

Recess.

At three minutes after three o'clock P.M., on motion of Ms. Forry of Boston (Mr. Mariano of Quincy being in the Chair), the House recessed until twenty minutes after three o'clock; and at twenty-nine minutes after three o'clock the House was called to order with Mr. Donato of Medford in the Chair.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by striking all after the enacting clause an inserting in place thereof the following:

"SECTION 1. There shall be a commission to investigate and study the impacts of adopting an agreement among the states to elect the President by national popular vote, including but not limited to, the potential for constitutional challenge and its merits, the potential dilution of minority population votes, the cost and benefits for the Commonwealth of Massachusetts.

Said Commission shall consist of the following 9 members: 1 of whom shall be appointed by the governor of the Commonwealth; 2 of whom shall be appointed by the speaker of the house of representatives, 1 of whom shall be the house chair of the joint committee on election laws; 2 of whom shall be appointed by the senate president, 1 of whom shall be the senate chair of the joint committee on election laws; 1 of whom shall be appointed by the minority leaders of the house; 1 of whom shall be appointed by the minority leader of the senate; the secretary of the Commonwealth or his designee; and the attorney general of the Commonwealth or her designee.

Said Commission shall issue a report with its findings and recommendations to the Clerks of the House of Representatives and the Senate on or before January 15, 2011.".

The amendment was rejected.

On the question on ordering the bill to a third reading, the sense of the House was taken by yeas and nays at the request of Mr. Moran of Boston; and on the roll call 115 members voted in the affirmative and 35 in the negative.

Bill ordered to a third reading,— yea and nay No. 407.

[See Yea and Nay No. 407 in Supplement.]

Therefore the bill (House, No. 4156) was ordered to a third reading. Mr. Peterson of Grafton moved that this vote be reconsidered; and, under Rule 54, the motion to reconsider was placed in the Orders of the Day for the next sitting.

Order.

Mr. Moran of Boston then offered the following order:—

Ordered, That when the House adjourns today, it adjourn to meet forthwith for a second legislative day.

Second legislative day.

After debate on the question on adoption of the order, the sense of the House was taken by yeas and nays at the request of Mr. Peterson of Grafton; and on the roll call (Mr. Donato of Medford being in the Chair), 104 members voted in the affirmative and 44 in the negative.

Order adopted,— yea and nay No. 408.

[See Yea and Nay No. 408 in Supplement.]

Therefore the order was adopted.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at one minute before four o'clock P.M., on motion of Mr. Moran of Boston (Mr. Donato of Medford being in the Chair), the House adjourned to meet forthwith for a second legislative day.

SECOND LEGISLATIVE DAY.

Met according to adjournment.

Orders of the Day.

The motion of Mr. Peterson of Grafton, that the vote be reconsidered by which the House, at the preceding sitting, ordered to a third reading the House Bill relative to the agreement among the states to elect the President by national popular vote (House, No. 4156) was negatived.

Presidential elections.

The bill (reported by the committee on Bills in the Third Reading to be correctly drawn) then was read a third time.

On the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays at the request of Mr. Moran of Boston; and on the roll call 114 members voted in the affirmative and 35 in the negative.

Bill passed to be engrossed,— yea and nay No. 409.

[See Yea and Nay No. 409 in Supplement.]

Therefore the bill (House, No. 4156) was passed to be engrossed. Mr. Peterson of Grafton moved that this vote be reconsidered; and, under Rule 54, the motion to reconsider was placed in the Orders of the Day for the next sitting.

Order.

Mr. Moran of Boston then offered the following order:—

Third legislative day.

Ordered, That when the House adjourns today, it adjourn to meet forthwith for a third legislative day.

Order adopted,— yea and nay No. 410.

On the question on adoption of the order, the sense of the House was taken by yeas and nays at the request of Mr. Peterson of Grafton; and on the roll call 102 members voted in the affirmative and 45 in the negative.

[See Yea and Nay No. 410 in Supplement.]

Therefore the order was adopted.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at eleven minutes after four o'clock P.M., on motion of Mr. Moran of Boston (Mr. Donato of Medford being in the Chair), the House adjourned to meet forthwith for a third legislative day.

THIRD LEGISLATIVE DAY.

Met according to adjournment.

Orders of the Day.

Presidential elections.

The motion of Mr. Peterson of Grafton, that the vote be reconsidered by which the House, at the preceding sitting, passed to be engrossed the House Bill relative to the agreement among the states to elect the President by national popular vote (House, No. 4156) was negatived. The bill then was sent to the Senate for concurrence.

Paper from the Senate.

Joint standing committees,— extension of time for reporting.

The House Order relative to extending until Tuesday, May 18, 2010, the time within which joint standing committees and the committees on Rules of the two branches, acting concurrently are authorized to make reports on all matters referred to them, came from the Senate with the endorsement that it had been adopted, in concurrence, with an amendment striking out the date "May 18" and inserting in place thereof the date "June 8".

Under suspension of the rules, on motion of Mr. Binienda of Worcester, the amendment was considered forthwith.

The same member then moved that the House concur with the Senate in its amendment with a further amendment striking out the date "June 8" and inserting in place thereof the date "June 15". The further amendment was adopted.

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

Melissa Gordon,— sick leave.

A Bill establishing a sick leave bank for Melissa Gordon, an employee of the Trial Court (Senate, No. 2433) (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.

Engrossed Bill.

The engrossed Bill relative to the transportation of swimming pools (House, No. 4025), 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.

Orders of the Day.

The engrossed Bill relative to property tax exemptions for rental properties in the town of Wellfleet restricted as affordable housing (see House, No. 2852), which had been returned by His Excellency the Governor with recommendation of amendments (for message, see House, No. 4584), was considered.

Wellfleet,—affordable housing.

The committee on Bills in the Third Reading reported that the amendments recommended by the Governor be considered in the following form:

In section 1 (as engrossed) by striking out, in line 3, the words "occupants and rented in accordance with" and inserting in place thereof the words "households and rented for an amount not exceeding the fair market rents established by", and, in line 4, by striking out the words "rental guidelines";

In section 2 (as engrossed) by striking out, in line 1, the words "Occupants of" and inserting in place thereof the words "Households leasing and occupying", and by striking out the last sentence and inserting in place thereof the following sentence: "For the purpose of this act, low income households shall have an income less than 80 per cent of the town of Wellfleet median household income, as established by the United States Department of Housing and Urban Development for Barnstable Town Metropolitan Statistical Area and moderate income households shall have an income between 80 per cent and 120 per cent of the town of Wellfleet median household income as calculated on the basis of the same area median income statistic as determined by the United States Department of Housing and Urban Development published income guidelines, as calculated on the basis of the same area median income statistic.";

By striking out section 3 (as engrossed) and inserting in place thereof the following section:

"SECTION 3. Maximum rents shall not exceed fair market rents established by the United States Department of Housing and Urban Development for the period commencing October l of the most recent year. Property owners shall submit to the town of Wellfleet or its agent information on the rents to be charged. Each year thereafter, on the first day of September, they shall submit information on annual rents charged and a signed lease to the town or its agent. Forms for this purpose shall be provided."; and

In section 4 (as engrossed) by striking out, in line 10, the word "value" and inserting in place thereof the words "rent as determined by the United States Department of Housing and Urban Development. To be eligible for exemption, the housing unit shall be leased to a low or moderate income household at such rents for the entire fiscal year for which the exemption is sought.".

The report was accepted. The amendments recommended by the Governor then were adopted. Sent to the Senate for its action.

Third reading bill.

The House Bill authorizing the town of Cohasset to grant certain interests in land (House, No. 4322), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Special Recognition.

Matthew P. Landry.

Mr. Vallee of Franklin then took the Chair for the purpose of acknowledging the presence in the House Chamber of Matthew P. Landry, Chief of Staff of the Office of the Clerk of the House. Mr. Landry recently returned from active duty as a Lieutenant in the United States Navy.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

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

Speaker DeLeo and Representative Flynn of Bridgewater then moved that as a mark of respect to the memory of Ralph E. Sirianni, Jr., a member of the House from Winthrop from 1965 to 1974, inclusive, the House adjourn; and the motion prevailed.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty-one minutes after four o'clock P.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.

Thursday, June 3, 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.

Resolutions.

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

Resolutions (filed by Representatives Peterson of Grafton, Dykema of Holliston and Polito of Shrewsbury) congratulating the Mill Pond Elementary School on the occasion of being named a National School of Character; Mill Pond Elementary.

Resolutions (filed by Mr. Atsalis of Barnstable and other members of the House) congratulating Gloria Rudman on receiving the ninth annual Mercy Otis Warren Cape Cod Woman of the Year Award; Gloria Rudman.

Resolutions (filed by Representatives Bowles of Attleboro and Poirier of North Attleborough) congratulating the Rotary Club of Attleboro on the occasion of its seventy-fifth anniversary; Attleboro,—Rotary Club.

Resolutions (filed by Ms. Callahan of Sutton) recognizing the Myasthenia Gravis Foundation on its observance of Myasthenia Gravis Awareness Month; Myasthenia Gravis Month.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Timothy Rudden on earning the Eagle Scout Award; Timothy Rudden.

Resolutions (filed by Mr. Kujawski of Webster) honoring Marylynne Dube of the town of Douglas for a lifetime of community activism and volunteerism; Marylynne Dube.

Resolutions (filed by Mr. Smizik of Brookline) congratulating Marika Gerhart on receiving the Gold Award of the Girl Scouts of America; Marika Gerhart.

Resolutions (filed by Mr. Turner of Dennis) congratulating Tyler Labonte on receiving the Eagle Scout Award of the Boy Scouts of America; and Tyler Labonte.

Resolutions (filed by Mr. Turner of Dennis) congratulating Jackson A. Smith on receiving the Eagle Scout Award of the Boy Scouts of America. Jackson A. Smith.

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 Ms. Wolf of Cambridge, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Reports.

Reports

Correctional facilities,—inspection reports.

Of the Department of Public Health (under the provisions of sections 5 and 20 of Chapter 111 of the General Laws) relative to inspections of certain correctional facilities in the Commonwealth, severally were spread upon the records of the House, as follows:

Of the Hampden County Correctional Center, in the town of Ludlow;

Of the Massachusetts Correctional Institution Concord, in the town of Concord;

Of the Souza-Baranowski Correctional Center, in the town of Shirley;

Of the Western Massachusetts Correctional Center, in the city of Springfield;

Of the Western Massachusetts Women's Correctional Center, in the town of Chicopee; and

Of the Worcester County House of Correction, in the city of Worcester.

Severally were placed on file.

Papers from the Senate.

Brimfield,—preservation restriction.

The Senate Bill releasing certain land in the town of Brimfield from an agricultural preservation restriction (Senate, No. 2221) (on Senate bill, No. 2149), passed to be engrossed by the Senate was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Howard Ray,—sick leave bank.

The Senate Bill to establishing a sick leave bank for Howard Ray, an employee of the Department of Early Education and Care (Senate, No. 2452) (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.

Lincoln and Concord,—Crosby's Corner.

A petition of Susan C. Fargo, Thomas P. Conroy and Cory Atkins for legislation relative to the improvement of Route 2, Crosby's Corner Interchange, in the towns of Lincoln and Concord, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Transportation.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2471) was referred, in concurrence, to the committee on Transportation.

Reports of Committee.

Labor and Workforce Development,—study order.

By Ms. Coakley-Rivera of Springfield, for the committee on Labor and Workforce Development, on House, Nos. 1796, 1800, 1801, 1805, 1811, 1822, 1825, 1826, 1827, 1828, 1834, 1835, 1836, 1838, 1843, 1853, 1864, 1866, 1868, 1872, 1873, 1877, 3693 and 3694, an Order relative to authorizing the committee on Labor and Workforce Development to make an investigation and study of certain House documents concerning matters relative to labor and workforce development issues (House, No. 4722).

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 said 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.

Maria Hudson,— sick leave bank.

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 Paul J. Donato that the Department of Revenue be authorized to establish a sick leave bank for Maria Hudson, an employee of said department.

Under suspension of the rules, on motion of Ms. Wolf of Cambridge, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Public Service. Sent to the Senate for concurrence.

Meridyth L. Reith,— sick leave.

Report of the committee on Public Service, ought NOT to pass (under Joint Rule 10), on the joint petition (accompanied by bill, House, No. 4575) of Paul K. Frost and Michael O. Moore for legislation to establish a sick leave bank for Meridyth L. Reith, an employee of the Department of Environmental Protection. Under suspension of the rules, on a motion of Mr. Peterson of Grafton, the report was considered forthwith. Pending the question on acceptance of the report, the petition was recommitted, on further motion of the same member.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

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

Representatives Patrick of Falmouth and Perry of Sandwich then moved that as a mark of respect to the memory of Nancy J. Caffyn, a member of the House from Mashpee in 1999 and 2000, the House adjourn; and the motion prevailed.

Accordingly, at twelve minutes after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (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.

JOURNAL OF THE HOUSE.

Monday, June 7, 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.

Gracious God, at the beginning of today's legislative session in prayer we make known to You our needs, our hopes, our plans, and our problems and challenges. We believe that with Your assistance, guidance and light we may see more clearly our choices and their consequences. In promoting the common good, as elected leaders, inspire us to help all members of our communities to recognize and utilize their human and spiritual gifts and talents. May we together build a society in which the personal dignity of each individual is respected. We pray that our communities will be safe, peaceful, ethical and family friendly.

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.

Resolutions.

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

Derrick Mahan.

Resolutions (filed by Mr. Vallee of Franklin) congratulating Derrick Mahan on receiving the Eagle Award of the Boy Scouts of America;

Ralph Bumpus.

Resolutions (filed by Mrs. Poirier of North Attleborough) congratulating Ralph Bumpus on his one hundredth birthday;

Mary "Joyce" Padgett.

Resolutions (filed by Mr. Atsalis of Barnstable) congratulating Mary "Joyce" Padgett on the occasion of her retirement;

P. Michael Noftsker.

Resolutions (filed by Mr. Hecht of Watertown) congratulating Mr. P. Michael Noftsker on the occasion of his retirement from the Watertown Public School System;

Bonny Rathbone.

Resolutions (filed by Mr. Smola of Palmer) congratulating Mrs. Bonny Rathbone on the occasion of her retirement from the Palmer Public School System;

John Patrick Donlan.

Resolutions (filed by Mr. Turner of Dennis) congratulating John Patrick Donlan on receiving the Eagle Scout Award of the Boy Scouts of America; and

Arthur Luke.

Resolutions (filed by Messrs. Turner of Dennis and Atsalis of Barnstable) commending Arthur Luke for his business accomplishments and for a lifetime of service to his community;

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 Ms. Dykema of

Holliston, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Annual Report.

The annual report of the Commission on the Status of Women (under the provisions of Section 1 of Chapter 138 of the General Laws) submitting its report for the fiscal year 2009. Status of Women.

Papers from the Senate.

The House Bill making appropriations for the fiscal year 2011 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 (House, No. 4601), came from the Senate with the endorsement that it had been 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 2470. General Appropriation Bill.

Under suspension of the rules, on motion of Mr. Murphy of Burlington, the amendment was considered forthwith. The House then non-concurred with the Senate in its amendment, and, on further motion of the same member, asked for a committee of conference on the disagreeing votes of the two branches. Representatives Murphy of Burlington, L'Italien of Andover and Hargraves of Groton then were appointed the committee on the part of the House. Sent to the Senate to be joined. Committee of conference.

The House Bill authorizing the town of Westport to lease a portion of the Westport Town Farm to the Trustees of Reservations (House, No. 4368) 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 following: Westport Town Farm.

"SECTION 1. Notwithstanding any general or special law to the contrary, the town of Westport, acting by and through its board of selectmen, may enter into an agreement with the Trustees of Reservations to lease, for a term of 99 years, a portion of the Town Farm located at 830 Drift road in said town, for agricultural, educational and preservation purposes. The lease shall be subject to paragraphs (a), (b) and (g) of section 16 of chapter 30B of the General Laws. The leasehold premises consist of approximately 39 acres and are shown on a sketch plan entitled 'Westport Town Farm', prepared on behalf of the Trustees of Reservations, and on file in the office of the town clerk.

SECTION 2. If the land subject to the lease in section 1 is used for any other purposes other than those listed in section 1, the lease shall immediately become null and void and any leasehold interest in the land shall immediately revert to the town of Westport.

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

Under suspension of Rule 35, on motion of Mr. Rodrigues of Westport, 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.

Athol,— land and easements.

A Bill authorizing the Department of Fish and Game to acquire land of the town of Athol and to acquire a conservation restriction on lands of the town of Athol in exchange for grants of easements to the town of Athol (Senate, No. 2451) (on Senate bill No. 2411), passed to be engrossed by the Senate was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Bills

North Adams,— finances.

Relative to the financial condition of the city of North Adams (Senate, No. 2442) (on a petition) [Local Approval Received];

Explosives,— regulate.

Strengthening the laws related to the regulation of explosives (Senate, No. 2468) (on Senate bill No. 911); and

Student athletes,— head injuries.

Relating to safety regulations for school athletic programs (Senate, No. 2469) (on Senate bill No. 2267);

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

Reports of Committees.

Bethany M. Tsioropoulos,— sick leave.

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 Brian S. Dempsey for legislation to authorize the Massachusetts Rehabilitation Commission to establish a sick leave bank for Bethany M. Tsioropoulos, an employee of said commission. Under suspension of the rules, on motion of Ms. Dykema of Holliston, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Investment adviser registration.

Mr. Binienda of Worcester, for the committee on Rules, on the Order relative to authorizing the committee on Consumer Protection and Professional Licensure to make an investigation and study of certain House documents concerning boards of registration (House, No. 4690) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 303) of Angelo M. Scaccia and William F. Galvin relative to investment adviser registration,— and recommending that the same be recommitted to the committee on Consumer Protection and Professional Licensure. Under Rule 42, the report was considered forthwith; and it was accepted.

Wrongful convictions,— scientific analysis.

Mr. Binienda of Worcester, for the committee on Rules, on the Order relative to authorizing the committee on the Judiciary to make an investigation and study of certain House documents concerning matters relative to the Judiciary (House, No. 4691) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1618) of Eugene L. O'Flaherty relative to the use of forensic and scientific analysis in determining wrongful convictions,— and recommending that the same be recommitted to the committee on the Judiciary. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Sánchez of Boston, for the committee on Public Health, asking to be discharged from further consideration

Of the petition (accompanied by bill Senate, No. 867) of Richard T. Moore for legislation relative to centers of excellence; Centers of excellence.

Of the petition (accompanied by bill Senate, No. 872) of Richard T. Moore, Patricia D. Jehlen, Martin J. Walsh, Michael D. Brady and other members of the General Court for legislation to prohibit mandatory overtime for the health care workforce; Health workers,—overtime.

Of the petition (accompanied by bill Senate, No. 876) of Richard T. Moore, Bill Bowles, Susan C. Tucker, Richard J. Ross and other members of the General Court for legislation to promote the nursing profession and promote safe patient care; and Nursing and patient safety.

Of the petition (accompanied by bill Senate, No. 890) of Marc R. Pacheco, James B. Eldridge, Anthony D. Galluccio, Michael O. Moore and other members of the General Court for legislation relative to patient safety; Id.

And recommending that the same severally be referred to the committee on Health Care Financing.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

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

Establishing a sick leave bank for Melissa Gordon, an employee of the Trial Court (Senate, No. 2433); and Melissa Gordon.

Establishing a sick leave bank for Howard Ray, an employee of the Department of Early Education and Care (Senate, No. 2452); and Howard Ray.

The House Bill relative to the charter of the town of Franklin (House, No. 4652) [Local Approval Received]; Franklin,—charter.

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

Ms. Malia of Boston, for the committee on Mental Health and Substance Abuse, reported, under the provisions of Joint Rule 3A, a Committee Resolve providing for an investigation and study by a special commission relative to the provisions of samples of behavioral health medications to individuals under the age of 18 years of age (House, No. 4723). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently. Behavioral health medications,—study.

By Ms. Coakley-Rivera of Springfield, for the committee on Labor and Workforce Development, that the Bill improving coordination of the youth workforce development system in the Commonwealth (House, No. 4624) ought to pass with an amendment by substitution of a bill with the same title (House, No. 4724). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending. Youth workforce development system.

Meridyth L. Reith,— sick leave.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Meridyth L. Reith, an employee of the Department of Environmental Protection (House, No. 4575).

Rick Leclair,— sick leave.

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for Rick Leclair, an employee of the Department of Children and Families (House, No. 4698).

Elise Lachance,— sick leave.

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for Elise Lachance, an employee of the Department of Correction (House, No. 4710).

Carol Roberts,— sick leave.

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for Carol Roberts, an employee of the Department of Transitional Assistance (House, No. 4711).

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

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the following matters ought to pass:

Essex Aggie.

The Senate Bill relative to the Essex North Shore Agricultural and Technical School (Senate, No. 2392);

House bills

Interior design,— state contracts.

Recognizing the profession of interior designers to bid on state contracts (House, No. 2999);

Retainage.

Relative to interest on retainage (House, No. 4507); and

Price adjustment.

Relative to price adjustment (House, No. 4508);

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

Mr. Kafka of Stoughton, for said committee, reported, in each instance, that the matters be scheduled for consideration by the House. Severally placed in the Orders of the Day for the next sitting for a second reading.

Public charities,— regulation.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill further regulating public charities (Senate, No. 2117, amended) ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4726.

Motorcycle education,— minors.

By the same member, for the same committee, that the Senate Bill requiring adequate education relative to the proper safety and operation of a motorcycle for minors (Senate, No. 2344) ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4727.

Speed limits.

By the same member, for the same committee, that the Bill relative to speed limits (House, No. 3643) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4728).

Gasoline distributors,— bonds.

By the same member, for the same committee, that the Bill amending Chapter 62C of the General Laws (House, No. 4367) ought to pass with an amendment substituting therefore a Bill capping the bond amount paid by gasoline distributors, unclassified importers and unclassified exporters (House, No. 4729).

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

Mr. Kafka of Stoughton, for said committee, reported, in each instance, that the matters be scheduled for consideration by the House. Severally placed in the Orders of the Day for the next sitting for a second reading, with the amendments pending.

Engrossed Bill.

The engrossed Bill authorizing the establishment of a Raynham development revolving fund in the town of Raynham (see House, No. 4485) (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.

Orders of the Day.

The Senate Bill exempting the position of deputy chief of police in the town of Wakefield from the civil service law (Senate, No. 2230), 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. Third reading bill.

House bills

Authorizing the town of Westwood to grant 3 licenses for the sale of wine and malt beverages to food stores (House, No. 4089) (its title having been changed by the committee on Bills in the Third Reading); and Third reading bills.

Relative to health insurance coverage for retired employees of the town of Brookline (House, No. 4451);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

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

At twenty-two minutes after eleven o'clock A.M., on motion of Mrs. Poirier of North Attleborough (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Wednesday at eleven o'clock A.M.

Wednesday, June 9, 2010.

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

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

Prayer.

Eternal God, the Ultimate Source of Truth and Goodness, we open our hearts and minds to You and to Your ways as we pray for Your guidance and assistance in our deliberations and decision-making actions each day. Inspire us to recognize the needs of the people, our communities and of these changing times as we take up the matters and the calendar items which come before us. In addressing sensitive and controversial issues, teach us to reason and dialogue together and to be open to the insights of others in resolving these matters. Help us to remain faithful to our basic fundamental principles and traditional moral values as we deal with current issues and plan for the future of our children and of the Commonwealth. In proposing and evaluating legislation, may we learn from the achievements as well as from the mistakes of those who have gone before us. Let our communities be peaceful, civil and respectful of the dignity of all individuals.

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.

Statement of Representative Fennell of Lynn.

A statement of Mr. Fennell of Lynn was spread upon the records of the House, as follows:

Statement of Mr. Fennell of Lynn.

MR. SPEAKER: I would like to call to the attention of the House the fact that I will be unable to be present in the House Chamber for the remainder of today's sitting due to previously scheduled personal business outside of the State House. If I were able to be present for the vote on passing to be engrossed the Senate Bill regulating the use of off-highway and recreation vehicles (Senate, No. 2257, amended), I would vote in the affirmative. My missing of roll calls today is due entirely to the reason stated.

Statement Concerning Representative Peterson of Grafton.

A statement of Mr. Jones of North Reading concerning Mr. Peterson of Grafton was spread upon the records of the House, as follows:

Statement concerning Mr. Peterson of Grafton.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Peterson of Grafton, is unable to be present in the House Chamber for today's sitting due to travel outside of the Commonwealth to attend the wedding of his son, Erik. His missing of roll calls today is due entirely to the reason stated.

Guests of the House and Special Recognition.

During the session, Mr. Naughton of Clinton took the Chair and introduced Richard Pockwinse and Bernard Czajkowski of the Lt. General James M. Gavin Chapter of the 82nd Airborne Division Association, who presented Representative Kujawski of Webster with a citation for the organizing and assisting with their event at the State House last summer. The citation thanked him for his support of Massachusetts veterans.

Richard Pockwinse and Bernard Czajkowski.

Communication.

A communication from the Department of Energy Resources of the Office of Energy and Environmental Affairs (under the provisions of section 12 of Chapter 25A of the General Laws) submitting proposed regulations (225 CMR 14.00) to provide significant assistance to the Commonwealth in meeting its renewable energy goals (House, No. 4745), was referred to the committee on Telecommunications, Utilities and Energy. Sent to the Senate for concurrence.

Renewable energy goals.

Resolutions.

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

Resolutions (filed by Mr. deMacedo of Plymouth) congratulating Shawn Robert Potter on receiving the Eagle Award of the Boy Scouts of America;

Shawn Potter.

Resolutions (filed by Miss Gregoire of Marlborough) congratulating Richard F. Riley, Jr., on the occasion of his retirement;

Richard F. Riley, Jr.

Resolutions (filed by Messrs. Rogers of Norwood, Rush of Boston and Barrows of Mansfield) congratulating Joseph J. Perfetti on the occasion of his retirement; and

Joseph J. Perfetti.

Resolutions (filed by Mr. Turner of Dennis) congratulating John Allen Ellerbee on the occasion of his one hundredth birthday;

John Allen Ellerbee.

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. Torrisi of North Andover, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

By Ms. Polito of Shrewsbury, a petition (accompanied by bill House, No. 4736) of Karyn E. Polito and others (by vote of the town) that the town of Westborough be authorized to issue an additional license for the sale of alcoholic beverages not to be drunk on the premises;

Westborough,—liquor license.

By Mr. Speliotis of Danvers, a petition (accompanied by bill House, No. 4737) of Theodore C. Speliotis and Frederick E. Berry (by vote of the town) that the town of Danvers be authorized to issue a license for the sale of wine and malt beverages to McKinnon's Butcher Shop; and

Danvers,—liquor license.

By Mr. Speliotis of Danvers, a petition (accompanied by bill House, No. 4738) of Theodore C. Speliotis and Frederick E. Berry (by vote of

Id.

the town) for legislation to authorize the town of Danvers to issue a license for the sale of wine and malt beverages to Diluigi's Butcher Shop;

Severally to the committee on Consumer Protection and Professional Licensure.

Everett,— charter commission.

By Mr. Smith of Everett, a petition (accompanied by bill House, No. 4739) of Steven Stat Smith (with the approval of the mayor, board of aldermen and common council) for legislation validating the election of a charter commission in the city of Everett. To the committee on Election Laws.

Truro,— water wells.

By Representative Peake of Provincetown and Senator O'Leary, a joint petition (accompanied by bill House, No. 4740) of Sarah K. Peake and Robert A. O'Leary (by vote of the town) for legislation to authorize the town of Truro to lease certain land to the town of Provincetown for the purpose of developing water wells. To the committee on Municipalities and Regional Government.

Littleton,— light department.

By Representative Arciero of Westford and Senator Eldridge, a joint petition (accompanied by bill House, No. 4741) of James Arciero and James B. Eldridge (by vote of the town) for legislation to authorize the Littleton Electric Light Department to perform certain electrical work. To the committee on Telecommunications, Utilities and Energy.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

Condominium owners,— attorneys' fees.

By Mr. Atsalis of Barnstable, a petition (subject to Joint Rule 12) of Demetrius J. Atsalis relative to attorneys' fees in certain matters relating to record keeping for condominium owners organizations.

Probate records,— electronic mail.

By Mr. Koutoujian of Waltham, a petition (subject to Joint Rule 12) of Peter J. Koutoujian and Cynthia Stone Creem relative to the distribution of certain probate records by electronic mail.

Aliens,— employment.

By Representative Webster of Pembroke and Senator Hedlund, a joint petition (subject to Joint Rule 12) of Daniel K. Webster, Robert L. Hedlund and others relative to employment requirements for aliens.

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

Papers from the Senate.

Bills

Palmer,— ballot question.

Authorizing a certain question relative to a charter revision in the town of Palmer to be placed on the state election ballot (Senate, No. 2352) (on Senate, No. 2284) [Local Approval Received];

Holyoke,— charter commission.

Validating the election of a charter commission in the city of Holyoke (Senate, No. 2408, amended in section 1, in line 7, by adding the following sentence "The charter commission shall be subject to all other provisions of sections 9 and 11 of chapter 43B of the General Laws.") (on a petition) [Local Approval Received]; and

South Boston,— Michael Joyce.

Designating a playground at the Marine Park in South Boston as the Michael Joyce Memorial Playground (Senate, No. 2435) (on a petition);

Severally, passed to be engrossed by the Senate were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reports of Committees.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on House, No. 4227, a Bill authorizing the town of Clinton to issue additional liquor licenses (House, No. 4734) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Clinton,— liquor license.

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

Under suspension of the rules, on motion of Mr. Naughton of Clinton, 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 further motion of the same member, the bill (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 authorizing the town of Clinton to issue an additional license for the sale of all alcoholic beverages to be drunk on premises.". Sent to the Senate for concurrence.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill establishing a sick leave bank for Meridyth L. Reith an employee of the Department of Environmental Protection (House, No. 4575), be scheduled for consideration by the House.

Meridyth L. Reith,— sick leave.

Under suspension of Rule 7A, on motion of Mr. Frost of Auburn, 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 further motion of the same member, the bill (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 establishing a sick leave bank for Meridyth L. Reith, an employee of the Department of Environmental Protection.". Sent to the Senate for concurrence.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill establishing a sick leave bank for Rick Leclair, an employee of the Department of Children and Families (House, No. 4698), be scheduled for consideration by the House.

Rick Leclair,— sick leave.

Under suspension of Rule 7A, on motion of Mr. Rosa of Leominster, 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 further motion of the same member, the bill (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 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

Rick Leclair,— sick leave.

bank as determined by the department."; and by inserting before the enacting clause the following emergency preamble:

"*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of children and families, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.".

The amendments were adopted; and the bill (House, No. 4698, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Elise Lachance,— sick leave.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill establishing a sick leave bank for Elise Lachance, an employee of the Department of Correction (House, No. 4710), be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Sullivan of Fall River, 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 further motion of the same member, the bill (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.

Carol Roberts,— sick leave.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill establishing a sick leave bank for Carol Roberts, an employee of the Department of Transitional Assistance (House, No. 4711), be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Sullivan of Fall River, 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 further motion of the same member, the bill (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.

Northborough,— liquor license.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill authorizing the town of Northborough to grant an additional license for the sale of all alcoholic beverages (House, No. 4719), be scheduled for consideration by the House [Local Approval Received].

Under suspension of Rule 7A, on motion of Mr. Naughton of Clinton, 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 further motion of the same member, the bill (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 authorizing the town of Northborough to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises.". Sent to the Senate for concurrence.

By Mr. Koutoujian of Waltham, for the committee on Financial Services, on Senate, Nos. 450, 475, 476, 504 and 514 and House, Nos. 905, 907, 1027, 1046, 1047, 3561 and 3678, an Order relative to authorizing the committee on Financial Services to make an investigation and study of certain Senate and House documents concerning financing and financial services (House, No. 4732). Financial Services,—study order.

By the same member, for the same committee, on House, Nos. 855, 887 and 3894, an Order relative to authorizing the committee on Financial Services to make an investigation and study of certain House documents concerning financing and financial services (House, No. 4742). Id.

By Ms. Coakley-Rivera of Springfield, for the committee on Labor and Workforce Development, on House, Nos. 607, 1802, 1807, 1816, 1817, 1819, 1823, 1824, 1829, 1830, 1831, 1837, 1840, 1849, 1858, 1861, 1862, 1875, 1876, 3578, 3582 and 3583, an Order relative to authorizing the committee on Workforce Development to make an investigation and study of certain House documents concerning labor and workforce development issues (House, No. 4746). Labor and Workforce Development,—study order.

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, asking to be discharged from further consideration of said orders; and recommending that the same be referred to the House committee on Rules. Under Rule 42, the reports were considered forthwith; and they were accepted.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on a petition, a Bill relative to the certification of interior designers (House, No. 262). Interior designers,—certification.

By the same member, for the same committee, on Senate, No. 134 and House, No. 318, a Bill relative to updating reciprocity for licensing optometrists (House, No. 318). Optometrists,—reciprocity.

By the same member, for the same committee, on Senate, No. 127 and House, No. 306, a Bill relative to cosmetologists (House, No. 4733). Cosmetologists.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill authorizing the state retirement board to grant creditable service to Thomas Famulari (House, No. 2636). Thomas Famulari.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on House, No. 4494, a Bill authorizing the town of Westborough to remove a condition of a full liquor license (House, No. 4735) [Local Approval Received]. Westborough,—liquor license.

By the same member, for the same committee, on Senate, No. 170 and House, Nos. 225 and 3424, a Bill further regulating unfair trade practices in the sale of alcoholic beverages to wholesalers (House, No. 4743). Alcohol sales,—wholesalers.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill establishing the Caleb Chase Revenue Account for the town of Harwich (House, No. 4587) [Local Approval Received]. Harwich,—Caleb Chase account.

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

Engrossed Bills.

Engrossed bills

Bills enacted.

Exempting the position of Deputy Chief of Police in the town of Wakefield from provisions of the civil service law (see Senate, No. 2230) (which originated in the Senate);

Designating a portion of state highway route 140 located in the town of Upton as the George L. Wood Veterans of Foreign Wars Post #5594 and the Marshall-Leland American Legion Post #173 Roadway (see House, No. 4334); and

Providing for the appointment of a treasurer-collector in the town of Freetown (see House, No. 4415);

(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.

Orders of the Day.

Senate bills

Third reading bills.

Designating the East Brookfield District Courthouse as the Francis H. George Courthouse (Senate, No. 1575);

Relative to the Punchard Free School in the town of Andover (Senate, No. 2321);

Establishing a sick leave bank for Melissa Gordon, an employee of the Trial Court (Senate, No. 2433); and

Establishing a sick leave bank for Howard Ray, an employee of the Department of Early Education and Care (Senate, No. 2452);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

House bills

Id.

Relative to manslaughter (House, No. 1614);

Relative to the removal of spending limits in the town of North Andover (House, No. 1897);

Relative to certain easements in the town of Andover (House, No. 4318) (its title having been changed by the committee on Bills in the Third Reading); and

Designating a certain bridge in the town of Westminster as the Ryan Patrick Jones Bridge (House, No. 4437) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Second reading bills.

The Senate Bill relative to the Essex North Shore Agricultural and Technical School (Senate, No. 2392); and

House bills

Relative to interest on retainage (House, No. 4507); and

Relative to price adjustment (House, No. 4508);

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

The Senate Bill further regulating public charities (Senate, No. 2117, amended) was read a second time. Second reading bill amended.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4726,— was adopted.

The bill (Senate, No. 2117, amended) then was ordered to a third reading.

The Senate Bill requiring adequate education relative to the proper safety and operation of a motorcycle for minors (Senate, No. 2344) was read a second time. Id.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4727,— was adopted.

The bill (Senate, No. 2344, amended) then was ordered to a third reading.

The House Bill relative to speed limits (House, No. 3643) was read a second time. Id.

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. 4728),— was adopted.

The substituted bill then was ordered to a third reading.

The House Bill amending Chapter 62C of the General Laws (House, No. 4367) was read a second time. Id.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a Bill capping the bond amount paid by gasoline distributors, unclassified importers and unclassified exporters (House, No. 4729),— was adopted.

The substituted bill then was ordered to a third reading.

The House Bill relative to stone walls (House, No. 1694) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time. Stone walls.

Pending the question on passing the bill to be engrossed, Mr. Pedone of Worcester moved to amend it by striking out all after the enacting clause and inserting in place thereof the following:

"Chapter 266 of the General Laws is hereby amended by striking out section 105, as appearing in the 2008 Official Edition, and inserting in place thereof the following section:—

Section 105. Whoever willfully and without right pulls down or removes any portion of a stone wall or fence which is erected or maintained for the purpose of enclosing land shall be punished by a fine of not more than $500.".

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

Emergency Measures.

East Brookfield,— George Courthouse.

The engrossed Bill designating the East Brookfield district courthouse as the Francis H. George Courthouse (see Senate, No. 1575), 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 29 to 0. Sent to the Senate for concurrence.

Melissa Gordon,— sick leave.

The engrossed Bill establishing a sick leave bank for Melissa Gordon, an employee of the Trial Court (Senate, No. 2433), 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 29 to 0. Sent to the Senate for concurrence.

Howard Ray,— sick leave.

The engrossed Bill establishing a sick leave bank for Howard Ray, an employee on the Department of Early Education and Care (Senate, No. 2452), 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 30 to 0. Sent to the Senate for concurrence.

Recess.

Recess.

At twenty-seven minutes before the hour of twelve o'clock noon, on motion of Mrs. Poirier of North Attleborough (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at thirteen minutes after one o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Engrossed Bills — Land Takings.

Westport,— land lease.

The engrossed Bill authorizing the town of Westport to lease a portion of the Westport Town Farm to the trustees of the reservations (see House bill No. 4368, 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. 411.

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. 411 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 relative to the proper conservation of Muskeget Island (see House bill printed in House, No. 4613) (which originated in the House) (which had been submitted by the Governor, under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Muskeget Island,—conservation.

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.

Bill enacted (land taking),—yea and nay No. 412.

[See Yea and Nay No. 412 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.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill to regulate the use of off-highway and recreation vehicles (Senate No. 2257) 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 4744. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Off-highway and recreational vehicles.

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. Costello of Newburyport, 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, the noon recess having terminated, under suspension of the rules, on 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, its title having been changed by said committee to read: "An Act regulating the use of off-highway and recreation vehicles.".

After remarks on the question on passing the bill, as amended, to be engrossed, in concurrence, Mr. Smizik of Brookline moved to amend it in section 13, after line 227, by inserting the following sentence "No person shall operate a snow vehicle or recreation vehicle on publicly-owned property except on trails marked and designated for use by such vehicles, or without the express permission of the owner."; and the amendment was adopted.

Mr. Scibak of South Hadley then moved to amend the bill in section 8, in line 139, by inserting after the word "vehicle." the following three sentences "The registration number shall be painted or by means of a decal or sticker which is firmly attached to both sides of the cowling of the vehicle and located so that both are clearly visible and not obstructed. The registration number displayed shall be not less than three inches in height and not less than one-half inch in width and shall be in a color that is in marked and distinct contrast to the background to which the number is applied. The registration

Off-highway and recreational vehicles.

number shall be maintained in a legible condition at all times.". The amendment was adopted.

Mr. Rodrigues of Westport then moved to amend the bill in section 1, in line 38, by inserting after the word "year." the following paragraph:

"(d) Not less than twenty-five percent of the monies deposited in the fund shall be expended on a fiscal year basis for the activities identified in subsection (b)(ii) or for grants made pursuant to subsection (b)(iii) to fund the activities identified in subsection (b)(ii). Monies that are deposited in the fund that are unexpended at the end of the fiscal year shall not revert to the General Fund and shall be available for expenditure in the subsequent fiscal year.".

The amendment was adopted.

Mr. Pignatelli of Lenox and other members of the House then moved to amend the bill in section 13, in line 200, by inserting after the word "year." the following sentence "A person operating an appropriately aged and speed regulated recreational vehicle or snow vehicle under the accompanied direct supervision of a parent, guardian or other authorized adult, all of whom have complied with any certification in safety education programs shall be exempt from the provisions of this section.". The amendment was rejected.

Mr. Frost of Auburn then moved to amend the bill in section 13, in line 227, by inserting after the word "director." the following paragraph:

"Any municipality or owner of land who permits the public to use snow vehicles or recreational vehicles on such land without imposing a charge or fee therefor, or who leases such land for said purposes to the commonwealth or any political subdivision thereof or to any nonprofit corporation, trust or association, shall not be liable for personal injuries or property damage sustained by such members of the public, including without limitation a minor, while on said land in the absence of willful, wanton, or reckless conduct by such person. Such permission shall not confer upon any member of the public using said land, including without limitation a minor, the status of an invitee or licensee to whom any duty would be owed by said person.".

Amendment rejected,—yea and nay No. 413.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 45 members voted in the affirmative and 108 in the negative.

[See Yea and Nay No. 413 in Supplement.]

Therefore the amendment was rejected.

Mr. Quinn of Dartmouth and other members of the House then moved to amend the bill by adding the following section:

"SECTION 27. Chapter 242 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after section 7A thereof the following new section:—

Section 7B. Field crop product and agricultural property destruction.

(a) Any person operating an off-highway or recreational vehicle who damages or destroys a field crop product and agricultural property situated on the land of another shall be liable to the owner of such product in tort.

(b) A party recovering judgment under this section shall be entitled to an award of damages in an amount up to, but not greater than, three times the amount assessed for the removal, damage or destruction of the farm crop product and agricultural property, plus attorney fees and litigation costs. In assessing damages under this subsection, the courts shall consider the market value of the field crop product and agricultural property prior to its removal, damage or destruction, and all costs directly related to the production, research, testing, replacement and development of the field crop product and agricultural property.

(c) Damages awarded under this section shall not limit remedies available under chapter 266 or under any other applicable local, state or federal laws.

(d) Liability under this section shall not apply to any federal, state or local government agency, including the department of agricultural resources, or to any employee of any such agency acting in the course of their employment.

(e) For purposes of this section, a 'field crop product' shall mean any product of the soil that is grown in the context of a research or product development program in conjunction or coordination with a private research facility or a university or any federal, state or local governmental agency or any crop produced for commercial purposes on an agricultural operation as defined by M.G.L. chapter 128 Section 1A.

(f) For purposes of this section, an 'agricultural property' shall mean any implement of husbandry, structure used for the conveyance of water, or structure used in the production, growing, processing of field crop products or keeping and raising of livestock.".

The amendment was adopted.

Representatives Sandlin of Agawam and Pignatelli of Lenox then moved to amend the bill in section 4, in lines 76 and 77, by striking out the words "off highway vehicle manufacturers and dealers" and inserting in place thereof the words "the Specialty Vehicle Industry Association and the Massachusetts Powersport Dealers Association"; and the amendment was adopted.

Mr. Rodrigues of Westport then moved to amend the bill by inserting after section 18 the following section:

"SECTION 18A. Section 1 of Chapter 90C of the General Laws, as appearing in the most recent edition, is hereby amended by inserting at the end of the definition of 'police chief' the following:— or the director of law enforcement in the office of law enforcement in the executive office of energy and environmental affairs.".

The amendment was rejected.

Ms. Peake of Provincetown then moved to amend the bill in section 24, in line 475, by inserting after the word "Laws." the following paragraph:

"Any duly authorized law enforcement officer, including a municipal police officer shall not be liable for personal injuries sustained by the operator or passenger of a snow vehicle or recreation vehicle that are sustained while attempting to flee from said duly authorized law enforcement officer.".

The amendment was rejected.

Off-highway and recreational vehicles.

Ms. Gobi of Spencer then moved to amend the bill in section 13, in line 200, by inserting after the word "vehicle." the following two sentences "This section shall not apply to a person operating a recreation vehicle or snow vehicle in preparation for, or 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. It shall be an affirmative defense in a delinquency proceeding for a violation of this section that a juvenile was supervised by a person aged 18 or older while operating such a vehicle within 21 days before such sanctioned race, rally or organized event or while a participant in such a sanctioned race, rally or organized event.". The amendment was adopted.

Bill passed to be engrossed,—yea and nay No. 414.

After debate on the question on passing the bill, as amended, to be engrossed, in concurrence, the sense of the House was taken by yeas and nays at the request of Mr. Costello of Newburyport; and on the roll call 142 members voted in the affirmative and 12 in the negative.

[See Yea and Nay No. 414 in Supplement.]

Therefore the bill, as amended, was passed to be engrossed, in concurrence (for House text, as amended, see House document numbered 4747, published as amended). The bill (Senate, No. 2257, amended) then was sent to the Senate for concurrence in the House amendment.

Subsequently a statement of Mr. Cabral of New Bedford was spread upon the records of the House, as follows:

Statement of Mr. Cabral of New Bedford.

MR. SPEAKER: On the taking of the above yeas and nays, on the question on passing the bill to be engrossed, I voted in the affirmative, but for some inexplicable reason, I was recorded in the negative.

Order.

Mr. Donato of Medford being in the Chair, on motion of Mr. DeLeo of Winthrop,—

Next sitting.

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

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty-eight minutes before four o'clock P.M., on motion of Mrs. Poirier of North Attleborough (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.

Thursday, June 10, 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, the Creator of Heaven and Earth, we are gathered here for a moment of personal reflection and prayer at the opening of today's legislative session. Our primary intention for this day is to serve You, our families and constituents, who depend upon our mature and sound and reasoned decisions, in a faithful and honorable manner. Help us to be successful in achieving this goal as we carry out our many, often difficult, responsibilities. Inspire us, as elected leaders, to build confidence and trust in You, each other and our constitutions. Let our diverse communities and the Commonwealth itself enjoy peace, prosperity and equal opportunities for all. In Your goodness help us to keep our priorities and objectives in clear focus so that our own lives will have direction and meaning. Let our choices and decisions be based on traditional principles and values, both material and spiritual.

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.

Resignation of Representative St. Fleur of Boston.

The following communication was read; and spread upon the records of the House, as follows:

June 8, 2010.

Steven T. James, *House Clerk*
Massachusetts House of Representatives
Room, 145
State House Boston, MA 02133

Dear Mr. James:

Resignation of Representative Marie P. St. Fleur of Boston.

I am resigning from the position of State Representative for the 5th Suffolk District effective Friday, June 11, 2010. It has been my honor to serve as a member of this august body for over ten years. I leave having made wonderful friendships in this building and deeply appreciative of the quality of the work I've been privileged to engage in on behalf of the people of this great Commonwealth.

I look forward to the future and leave with the certainty of knowing that in my life's journey this was a road worth travelling.

Warmest regards,

MARIE P. ST. FLEUR,
State Representative.

Statement of Mr. Spellane of Worcester.

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

Statement of Mr. Spellane of Worcester.

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for yesterday's sitting due to my attendance of a school field trip with my daughter and, later, attending a presentation in my son's classroom. My missing of roll calls yesterday is due entirely to the reason stated.

Guests of the House.

Wyman Elementary School students.

During the session, the Chair (Mr. Donato of Medford) declared a brief recess, and introduced a group of 29 first grade students from the Wyman Elementary School in the city of Woburn, who were seated in the House Chamber. Accompanying the students were their teachers Nancy Hubbard and Mary Danehy and 15 parents of the students. They were the guests of Representative Dwyer of Woburn.

Resolutions.

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

Community Covenant Program.

Resolutions (filed by Mr. Hill of Ipswich and other members of the House) supporting the United States Army Community Covenant Program;

Admetech Foundation.

Resolutions (filed by Mr. Greene of Billerica and other members of the House) recognizing Admetech Foundation as host of the second annual Prostate Cancer Awareness Day at the Massachusetts State House on June 16, 2010; and

Sean Egan Steinberg.

Resolutions (filed by Mr. Rush of Boston) congratulating Sean Egan Steinberg upon achieving the rank of Eagle Scout;

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. Dwyer of Woburn, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petition.

George Rivera,—sick leave.

Mr. Fagan of Taunton presented a petition (subject to Joint Rule 12) of James H. Fagan for legislation to establish a sick leave bank for George Rivera, an employee of the Department of Correction; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Binenda of Worcester for the committee on Rules and the committees on Rules of the two branchs, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under sus-

pension of the rules, on motion of Mr. Dwyer of Woburn, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Papers from the Senate.

The Senate Bill reforming the administrative procedures relative to criminal offender record information and pre- and post-trial supervised release (Senate, No. 2220) 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 4712). Criminal offender record information.

The bill bore the further endorsement that the Senate had asked for a committee of conference on the disagreeing votes of the two branches; and that Senators Creem, Tolman and Tarr had been appointed the committee on the part of the Senate.

On motion of Mr. O'Flaherty of Chelsea, the House insisted on its amendment and concurred in the appointment of a committee of conference. Representatives O'Flaherty, Speranzo of Pittsfield and Webster of Pembroke then were appointed the committee on the part of the House. Sent to the Senate to be noted. Committee of conference.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2477) of Michael W. Morrissey for legislation to expand certain automobile insurance coverage options. To the committee on Financial Services. Automobile insurance.

Petition (accompanied by bill, Senate, No. 2478) of Michael W. Morrissey for legislation relative to assault and battery attempting to disarm a police officer; Police,—crimes against.

Petition (accompanied by bill, Senate, No. 2479) of Michael W. Morrissey, Steven A. Baddour, James E. Timilty, William R. Keating and others for legislation relative to the definition of attempt in criminal cases; Criminal intent.

Severally to the committee on the Judiciary.

Petition (accompanied by bill, Senate, No. 2480) of Michael W. Morrissey for legislation to prohibit the adverse possession of state, county and municipal land; and Adverse possession.

Petition (accompanied by bill, Senate, No. 2481) of Stanley C. Rosenberg and Christopher J. Donelan for legislation to change the use of a certain parcel of land in the town of Greenfield; Greenfield,—land.

Severally to the committee on State Administration and Regulatory Oversight.

Reports of Committee.

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 following petitions:

Petition (accompanied by bill) of Sarah K. Peake and Robert A. O'Leary relative to an intermunicipal agreement between the towns of Provincetown and Truro. To the committee on Municipalities and Regional Government. Truro, etc.,—agreement.

Robert W. Otto,— retirement.

Petition (accompanied by bill) of David L. Flynn and Marc R. Pacheco that the Teachers' Retirement Board be directed to grant certain retirement credit to Robert W. Otto for time served in the armed forces. To the committee on Public Service.

MBTA,— Science Park Station.

Petition (accompanied by bill) of Martha M. Walz that the Division of Capital Asset Management and Maintenance be authorized to transfer the care, custody and control of a certain parcel of land for improvements to the MBTA Science Park Station. To the committee on State Administration and Regulatory Oversight.

Gas appliance,— ignitions.

Petition (accompanied by bill) of Michael A. Costello relative to the definition of gas appliances and the equipping of such appliances with automatic ignition devices. To the committee on Telecommunications, Utilities and Energy.

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

Job creation.

By Ms. Coakley-Rivera of Springfield, for the committee on Labor and Workforce Development, asking to be discharged from further consideration of so much of the message from His Excellency the Governor recommending legislation relative to providing for job creation by small businesses (House, No. 4490), as relates to sections 32 to 52, inclusive,— and recommending that the same be referred to the committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Independent contractors.

By Ms. Coakley-Rivera of Springfield, for the committee on Labor and Workforce Development, on House, No. 1844, a Bill relative to independent contractors (House, No. 4748).

Janet Picheny,— retirement.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill allowing Mrs. Janet Picheny to purchase creditable service with the Massachusetts Teachers Retirement System (House, No. 4659).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Provincetown,— civil service exemption.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill exempting all positions in the Provincetown police department from the civil service law (House, No. 4656) [Local Approval Received]. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

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

At sixteen minutes after eleven o'clock A.M., on motion of Mrs. Poirier of North Attleborough (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.

Monday, June 14, 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 of Hope and Trust, at the beginning of a new legislative workweek we pause for a moment of prayer and turn our thoughts and attention to You. In Your goodness, help us to be mindful of You, Your presence and ways during this and every day. Teach us that no matter how difficult or perplexing our daily challenges are, we can always depend upon Your assistance for guidance. Today we celebrate Flag Day, as we commemorate the adoption of the official United States Flag in 1777. The event reminds us of the vision, creativity, wisdom and courage of the founders of this nation. May we continue to be thankful in our hearts and minds for the blessings which we enjoy as citizens of this land and to respect our flag, which symbolizes our freedoms and the dignity of each individual in our society.

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.

Message from the Governor.

Swimming pools,—transportation.

A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill relative to the transportation of swimming pools [see House, No. 4025] (for message, see House, No. 4761), was filed in the office of the Clerk on Friday, June 11, 2010.

The message was read; and placed, under House Rule 12, in the Orders of the Day for the next sitting.

Resolutions.

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

Barbara Jessel.

Resolutions (filed by Representatives L'Italien of Andover and Hill of Ipswich) congratulating Selectwoman Barbara Jessel on her retirement from the Boxford Board of Selectmen; and

John Raymer.

Resolutions (filed by Messrs. Tobin of Quincy, Ayers of Quincy and Mariano of Quincy) congratulating John "Jack" Raymer on the occasion of his retirement;

Mr. Binienda of Worcester, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under sus-

pension of the rules, in each instance, on motion of Mr. Kujawski of Webster, 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 Ms. Gobi of Spencer, a petition (subject to Joint Rule 12) of Anne M. Gobi and others relative to exempting David Desabrais from civil service age requirements for appointment to the state police. David Desabrais.

By Mr. Vallee of Franklin, a petition (subject to Joint Rule 12) of James E. Vallee for legislation to establish a sick leave bank for Meghan Savage, an employee of the Department of Children and Families. Meghan Savage.

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

Papers from the Senate.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 2474) of Michael W. Morrissey and Robert J. Nyman for legislation relative to the continued use of Memorial Park in the town of Rockland. To the committee on Municipalities and Regional Government. Rockland,—memorial park.

Petition (accompanied by bill, Senate, No. 2475) of Michael W. Morrissey and Robert J. Nyman for legislation relative to the position of deputy chief of police in the town of Rockland. To the committee on Public Service. Rockland deputy police chief position.

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 following petitions:

Petition (accompanied by bill) of Anne M. Gobi and Stephen M. Brewer that Richard D. Valcourt, a member of the Worcester regional retirement system, be eligible for benefits from the Group Insurance Commission; and Richard Valcourt,—retirement.

Petition (accompanied by bill) of Michael J. Rodrigues relative to establishing a sick leave bank for Colleen Robichaud, an employee of the Registry of Motor Vehicles; Colleen Robichaud,—sick leave.

Severally to the committee on Public Service.

Petition (accompanied by bill) of Garrett J. Bradley (by vote of the town) that the Board of Library Commissioners for the Commonwealth be directed to certify the public library of the town of Hull and providing that said library be eligible for assistance under the public libraries program. To the committee on Tourism, Arts and Cultural Development. Hull,—library programs.

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

Stadiums,—plumbing.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill exempting certain stadiums from plumbing regulations (House, No. 3652), and recommending that the same be referred to the committee on Ways and Means. Under Rule 42A, the report was considered forthwith; and it was accepted.

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

Senate bills

Holyoke.

Validating the election of a charter commission in the city of Holyoke (Senate, No. 2408, amended); and

Joyce Playground.

Designating a playground at the Marine Park in South Boston as the Michael Joyce Memorial Playground (Senate, No. 2435); and

Duxbury.

The House Bill relative to seawalls in the town of Duxbury (House, No. 4655) [Local Approval Received];

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.

School regionalization.

Ms. Walz of Boston, for the committee on Education, on Senate, No. 2067 and House, Nos. 409, 412, 414 and 3874, a Bill relative to school district regionalization (House, No. 4754). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Special education.

Ms. Walz of Boston, for the committee on Education, on House, No. 481, a Bill relative to special education (House, No. 4749).

School dropouts.

By the same member, for the same committee, on Senate, Nos. 245 and 270 and House, Nos. 355 and 363, a Bill relative to high school dropouts (House, No. 4753).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Public Health,—study order.

By Mr. Sánchez of Boston, for the committee on Public Health, on House, Nos. 41, 51, 52, 54, 55, 456, 513, 2017, 2018, 2020, 2021, 2022, 2023, 2025, 2026, 2028, 2029, 2032, 2035, 2036, 2039, 2040, 2043, 2046, 2048, 2049, 2051, 2052, 2053, 2055, 2056, 2057, 2058, 2060, 2061, 2062, 2065, 2066, 2067, 2068, 2076, 2081, 2083, 2085, 2091, 2093, 2094, 2095, 2096, 2097, 2099, 2100, 2102, 2103, 2105, 2106, 2109, 2110, 2112, 2113, 2114, 2116, 2117, 2120, 2121, 2123, 2125, 2126, 2127, 2129, 2130, 2132, 2136, 2137, 2141, 2142, 2143, 2144, 2145, 2146, 2148, 2149, 2150, 2151, 2152, 2153, 2157, 2158, 2160, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2170, 2172, 2174, 2176, 2177, 2179, 2181, 2183, 2184, 2186, 2187, 3475, 3478, 3591, 3593, 3594, 3596, 3715, 3716, 3717, 3718, 3719, 3720, 3723, 3829, 3911, 3913, 3914, 3915, 3917, 3918, 3921, 3922, 4217 and 4386, an Order relative to authorizing the committee on Public Health to make an investigation and study of certain House documents concerning environmental health, physical health, health-related research, health care financing, health-related professions,

public health facilities, and other matters concerning the public health (House, No. 4755).

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 said 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.

Athol,— land.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill authorizing the Department of Fish and Game to acquire land of the town of Athol and to acquire a conservation restriction on lands of the town of Athol in exchange for grants of easements to the town of Athol (Senate, No. 2451) 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 4756. 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, with the amendment pending.

Under suspension of the Rule 7A, on motion of the same, 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. 2451, amended) was ordered to a third reading.

Supplemental appropriations.

Mr. Murphy of Burlington, for the committee on Ways and Means, on House, No. 4669, reported, in part, a Bill making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4759) [Total Appropriations: $203,618,053.00]. Read; 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 Mr. Murphy of Burlington, the bill was read a second time forthwith; and it was ordered to a third reading.

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

Mental health services,— emergency access.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill improving emergency access to mental health services (House, No. 3465) be scheduled for consideration by the House, 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. 4681),— pending. Placed in the Orders of the Day for the next sitting for a second reading, with the amendment pending.

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

House bills

Uniform Commercial Code.

Making amendments to the Uniform Commercial Code covering general provisions, documents of title and secured transactions and including technical changes (House, No. 89);

Alcohol sales.

Relative to the sale of alcoholic beverages (House, No. 250);

Funeral lists.

Prohibiting funeral homes from selling lists (House, No. 263);

Customers.

Relative to the protection of customers (House, No. 287);

Check fees.

Relative to check cashing fees (House, No. 296);

Towing fees.

Relative to the storage fee for towing (House, No. 299);

Pharmacy.

Relative to the definition of a pharmacy (House, No. 2071);

Anesthetists.

Relative to nurse anesthetists (House, No. 4593);

School athletics.

Relative to the disclosure of information of public school athletic resources and interscholastic athletic authorized representatives (House, No. 4649);

Southeastern Regional School.

Providing for members of the Southeastern Regional School District to reallocate the sum of their local contributions to the district by a majority vote of boards of selectmen and a municipal council (House, No. 4676); and

Millbury,—bill payment.

Making a corrective change relative to the town of Millbury and payment of a certain bill (House, No. 4684);

Severally placed in the Orders of the Day for the next sitting for a second reading.

Engrossed Bills.

Bills enacted.

Designating the East Brookfield District Courthouse as the Francis H. George Courthouse (see Senate, No. 1575);

Establishing a sick leave bank for Melissa Gordon, an employee of the Trial Court (see Senate, No. 2433); and

Establishing a sick leave bank for Howard Ray, an employee of the Department of Early Education and Care (see Senate, No. 2452);

(Which severally originated in the Senate);

In respect to each of which the Senate had concurred in adoption of the emergency preamble, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Engrossed bills

Id.

Relative to the Punchard Free School in the town of Andover (see Senate, No. 2321) (which originated in the Senate); and

Authorizing the appointment of special police officers in the town of Millis (see House, No. 1882) (which originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Recess.

Recess.

At twenty-four minutes after eleven o'clock A.M., on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House recessed until a quarter before twelve o'clock noon; and at twelve minutes after twelve o'clock the House was called to order with Mr. Donato in the Chair.

Orders of the Day.

The House Bill recognizing the profession of interior designers to bid on state contracts (House, No. 2999) was read a second time; and it was ordered to a third reading. Second reading bill.

Recess.

At ten minutes before one o'clock P.M., on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and ten minutes after one o'clock the House was called to order with Mr. Donato in the Chair. Recess.

Paper from the Senate.

The House Bill making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4759) came from the Senate passed to be engrossed, in concurrence, with an amendment adding the following section: Supplemental appropriations.

"SECTION 11. Notwithstanding any special or general law to the contrary, an instructor of the reserve officer training corps affiliated with any public secondary school of the commonwealth shall be exempt from the requirement to pay service fees under sections 2 and 12 of chapter 150E. This provision shall not apply to a person who is employed full-time as a public employee under chapter 150E.".

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

Emergency Measure.

The engrossed Bill making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4759, 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. Supplemental appropriations.

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.

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

Order.

On motion of Mr. DeLeo of Winthrop,—

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

At twenty minutes after three o'clock P.M., on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M.

Tuesday, June 15, 2010.

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

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

Prayer.

Gracious God, at the opening of today's formal legislative session we pause for a moment of prayer of thanksgiving for all that You have given to us. Too often we take You and Your gifts for granted as we live our busy and stressful daily lives. We are grateful to You, also, for teaching us how to give meaning, direction and purpose to our daily routine and responsibilities. We look to You for the gift of knowledge when issues are unclear, wisdom when we make decisions and courage when we are timid. At all times may our hearts and minds be filled with joy, hope and enthusiasm. Today, we also thank the former and present members of the House, especially members who are leaving soon, for their friendship and dedication to the present and future well-being of the people of the Commonwealth.

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.

Statement of Representative Spellane of Worcester.

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

Statement of Mr. Spellane of Worcester.

MR. SPEAKER: I would like to call to the attention of the House the fact that I will be unable to be present in the House Chamber for the remainder of today's sitting due to a previously scheduled family medical appointment. My missing of roll calls today is due entirely to the reason stated.

Petition.

Winthrop,—easements.

Mr. DeLeo of Winthrop presented a petition (accompanied by bill, House, No. 4766) of Robert A. DeLeo (by vote of the town) that the town of Winthrop be authorized to grant certain easements for underground utility work; and the same was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Recesses.

Recesses.

At three minutes after eleven o'clock A.M., on motion of Mr. Smith of Everett (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at twenty-two minutes

Recesses.

after one o'clock the House was called to order with Mr. Donato in the Chair.

The House thereupon took a further recess, on motion of Mr. Jones of North Reading, until a quarter before two o'clock; and at twenty-five minutes after two o'clock the House was called to order with Mr. Donato in the Chair.

Quorum.

Quorum.

Mr. Jones of North Reading thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Donato), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,— yea and nay No. 415.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 134 members were recorded as being in attendance.

[See Yea and Nay No. 415 in Supplement.]

Therefore a quorum was present.

Valedictory Addresses.

Valedictory addresses.

During the session, the Speaker took the Chair and, there being no objection, former Representatives Marie P. St. Fleur of Boston and Richard J. Ross of Wrentham addressed the House regarding their departure from service in the House of Representatives.

Special Recognition.

United States Army.

During the session, Mr. Naughton of Clinton took the Chair and, there being no objection, addressed the House relative to the history of the United States Army upon the celebration of the two hundred and thirty-fifth anniversary of its inception.

Guests of the House.

Marcela Guerra and Mentor Tijerina.

During the session, the Chair (Mr. Donato of Medford) declared a brief recess, and introduced Congresswoman Marcela Guerra, a member of the National Congress of Mexico and her husband, Mr. Mentor Tijerina, renowned political consultant and professor of political science from the Mexican State of Nuevo Leon. They were the guests of Representatives Koutoujian of Waltham, Sánchez of Boston and Sannicandro of Ashland.

Papers from the Senate.

Methuen,— borrowing.

The House Bill authorizing the city of Methuen to repay the borrowing of certain monies for a period of up to 20 years (House, No. 4404) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1, in line 4, striking out the words "a final court judgment" and inserting in place thereof the following "the final court judgment in the matter of DiLeo v. City of Methuen, Essex County Superior Court Civil Action No. ESCV 2008-01372-C,".

Under suspension of Rule 35, on motion of Ms. Campbell of Methuen, 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 petition of Cynthia Stone Creem for legislation to enhance reporting requirements for candidates and committees, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Election Laws.

Candidate,—reporting requirements.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2489) was referred, in concurrence, to the committee on Election Laws.

Reports of Committees.

Mr. Binienda of Worcester, for the committee on Rules, on the Order relative to authorizing the committee on Public Service to make an investigation and study of certain House documents concerning active and retired public employees (House, No. 4694) reported, in part, asking to be discharged from further consideration:

Public employees,—study.

Of the petition (accompanied by bill, House, No. 595) of Martin J. Walsh relative to paid leave for civilian traffic supervisors;

Traffic supervisors.

Of the petition (accompanied by bill, House, No. 2637) of Martin J. Walsh relative to the disability pension allowance paid to Lawrence W. Finneran of Hanover, a former state police officer;

Lawrence W. Finneran.

Of the petition (accompanied by bill, House, No. 4196) of Anne M. Gobi and Stephen M. Brewer (by vote of the town) relative to health insurance and other benefits in the town of Phillipston; and

Phillipston,—benefits.

Of the petition (accompanied by bill, House, No. 4463) of Paul J. Donato relative to the classification of disabled fire fighters as "conditional employees" as a precondition of reinstatement as a fire department employee;

Fire fighters.

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

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

Mr. Binienda of Worcester, for the committee on Rules, on the Order relative to authorizing the committee on Labor and Workforce Development to make an investigation and study of certain House documents concerning labor and workforce development issues (House, No. 4722) reported, in part, asking to be discharged from further consideration:

Labor and Workforce Development,—study.

Of the petition (accompanied by bill, House, No. 1853) of John W. Scibak and Robert M. Koczera relative to the competitive determination of workers' compensation insurance rates; and

Workers' compensation.

Of the petition (accompanied by bill, House, No. 1864) of David M. Torrisi, John W. Scibak and Linda Dean Campbell relative to the competitive determination of workers' compensation insurance rates;

Id.

And recommending that the same severally be recommitted to the committee on Labor and Workforce Development.

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

Mr. Binienda of Worcester, for the committee on Rules, on the Order relative to authorizing the committee on Labor and Workforce Development to make an investigation and study of certain House documents concerning labor and workforce development issues (House, No. 4746) reported, in part, asking to be discharged from

Collective bargaining.

Collective bargaining.

further consideration of the petition (accompanied by bill, House, No. 607) of Martin J. Walsh relative to collective bargaining rights,—and recommending that the same be recommitted to the committee on Labor and Workforce Development. Under Rule 42, the report was considered forthwith; and it was accepted.

Bristol County Agricultural High School.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on House, No. 4700, a Bill authorizing the Bristol County commissioners to borrow money for the repair of sewer extension facilities at the Bristol County Agricultural High School (House, No. 4763). 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 Mrs. Haddad of Somerset, the bill was read a second time forthwith; and it was ordered to a third reading.

Gun,—access.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, ought not to pass, on a message from His Excellency the Governor recommending legislation relative to reducing firearm violence (House, No. 4102) 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 Rule 7A, on motion of Mr. O'Flaherty, the report was considered forthwith.

Pending the question on acceptance of the report, the same member moved that the subject-matter be recommitted to the committee on the Judiciary.

Message recommitted,—yea and nay No. 416.

After debate on the motion to recommit, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 111 members voted in the affirmative and 32 in the negative.

[See Yea and Nay No. 416 in Supplement.]

Therefore the message was recommitted to the committee on the Judiciary.

Mr. Koutoujian of Waltham, for the committee on Financial Services, asking to be discharged from further consideration

Autism,—Insurance.

Of the petition (accompanied by bill Senate, No. 478) of Brian A. Joyce for legislation to provide health care coverage for autism spectrum disorders;

Id.

Of the petition (accompanied by bill Senate, No. 501) of Michael W. Morrissey for legislation relative to benefits for autism;

Id.

Of the petition (accompanied by bill House, No. 923) of Patricia A. Haddad, James J. O'Day and others relative to insurance coverage for certain pervasive developmental disorders; and

Id.

Of the petition (accompanied by bill House, No. 3809) of Barbara A. L'Italien, Frederick E. Berry and others relative to insurance coverage for autism;

And recommending that the same severally be referred to the committee on Ways and Means.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill relative to create a cranberry nutrient management study commission (House, No. 3445). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Cranberry nutrients,—study.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on Senate, No. 426 and House, No. 704, a Bill relative to the Mosquito Borne Disease Control Board (House, No. 704).

Mosquito Control Board.

By the same member, for the same committee, on a petition, a Bill to modify agricultural lands preservation committee representation (House, No. 777).

Agricultural preservation.

By the same member, for the same committee, on House, No. 3439, a Bill relative to abandoned vessels (House, No. 4762).

Abandoned vessels.

By Mr. Koutoujian of Waltham, for the committee on Financial Services, on House, No. 970, a Bill relative to the regulation of the business of domestic and foreign money transmission by the Division of Banks (House, No. 4760).

Money transmission,—regulation.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill authorizing the town of Westford, acting by and through its conservation commission, to lease a certain parcel of land for camp purposes (House, No. 4662) [Local Approval Received].

Westford,—camp facilities.

By the same member, for the same committee, on a petition, a Bill authorizing the city of Boston parks and recreation commission to lease certain real property under its control and owned by the city of Boston (House, No. 4663) [Local Approval Received].

Boston,—historic property.

By the same member, for the same committee, on a petition, a Bill authorizing the city of Gardner to convey certain land under the control of the Gardner Conservation Commission (House, No. 4679) [Local Approval Received].

Gardner,—land conveyance.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Southbridge to match debt repayment for school projects to the retirement of other outstanding debt (House, No. 4695) [Local Approval Received].

Southbridge,—debt repayment.

By the same member, for the same committee, on a petition, a Bill establishing a linkage extraction program in the city of Everett (House, No. 4696) [Local Approval Received].

Everett,—linkage extraction.

By the same member, for the same committee, on a petition, a Bill authorizing the city of Everett to create an inspectional services department in the city of Everett (House, No. 4697) [Local Approval Received].

Everett,—inspections department.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Sudbury to enter into or to extend wireless facility contracts or leases for periods in excess of twenty years (House, No. 4715) [Local Approval Received].

Sudbury,—wireless contracts.

Sudbury,— power agreements.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Sudbury to enter into long-term energy related leases/contracts including power purchase agreements (House, No. 4718) [Local Approval Received].

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

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

Public charities.

The Senate Bill further regulating public charities (Senate, No. 2117, 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 Ms. Walz of Boston.

After remarks on the question on passing the bill, as previously amended, to be engrossed, in concurrence, Mr. deMacedo of Plymouth moved to amend it by adding the following section:

"SECTION 13. Chapter 266 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting, after section 59, the following section:—

Section 59A. For the purposes of this section the following words shall have the following meanings:—

(a) 'Nonprofit association', an entity which is organized as a nonprofit corporation or nonprofit unincorporated association under the laws of the commonwealth or the United States or any entity which is authorized to do business in the commonwealth as a nonprofit corporation or unincorporated association under the laws of the commonwealth.

'Charitable organization', any person or entity whose purposes or actual operation are charitable in nature or one holding himself out to be a charitable organization in whole or in part, including any person or entity who in any manner employs a charitable appeal as the basis of any solicitation.

(b) Whoever steals or with intent to defraud obtains by a false pretense, or whoever unlawfully, and with intent to steal or embezzle, converts, or secretes with intent to convert, the money, goods or property of a nonprofit association or charitable organization, whether such property is or is not in his possession at the time of such conversion or secreting, shall be guilty of larceny, and shall, (1) if the value of the money, goods or property exceeds $250 and does not exceed $10,000, be punished by imprisonment in the state prison for no less than 30 days; (2) if the value of the money, goods or property exceeds $10,000 and does not exceed $50,000, be punished by imprisonment in the state prison for no less than 6 months; (3) if the value of the money, goods or property exceeds $50,000, be punished by imprisonment in the state for no less than 2 years. Upon release, an individual sentenced to a term of incarceration under this section shall be subject to a 2-year term of probation.

A person found guilty of violating this section shall, in addition to any other punishment, be ordered to make full restitution to the nonprofit association or charitable organization for the financial loss sustained as a result of the commission of the crime except as hereinafter provided. Restitution shall be imposed in addition to incar-

ceration. The court shall order the defendant to make restitution within a reasonable period of time, provided that full restitution shall be made within 2 years from the date of conviction.

If a defendant who is required to make restitution defaults in any payment of restitution or installment thereof, the court may hold him in contempt unless said defendant has made a good faith effort to make restitution. If the defendant has made such good faith effort, the court may, upon motion of the defendant, modify the order requiring restitution by:

(a) providing for additional time to make any payment in restitution;

(b) providing a payment plan.

If the defendant has failed to make a good faith effort to pay restitution, the court may seize and liquidate properties and other assets owned by the defendant. Restitution shall not be authorized to a party whom the court determines to be aggrieved, without such party's consent.".

The amendment was rejected.

Bill passed to be engrossed,—yea and nay No. 417.

On the question on passing the bill, as previously amended, to be engrossed, in concurrence, the sense of the House was taken by yeas and nays, at the request of Ms. Walz of Boston; and on the roll call 139 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 417 in Supplement.]

Therefore the bill (Senate, No. 2117, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment previously adopted by the House.

Zoological Corporation.

The House Bill relative to the Commonwealth Zoological Corporation (House, No. 4707) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time, under suspension of Rule 47, on motion of Mr. Lewis of Winchester; and after remarks it was passed to be engrossed. Sent to the Senate for concurrence.

Orders of the Day.

Third reading bill.

The Senate Bill authorizing the Department of Fish and Game to acquire land of the town of Athol and to acquire a conservation restriction on lands of the town of Athol in exchange for grants of easements to the town of Athol (Senate, No. 2451, amended), 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. Sent to the Senate for concurrence in the amendment previously adopted by the House.

Id.

The Senate Bill relative to the Essex North Shore Agricultural and Technical School (Senate, No. 2392), 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.

Id.

The House Bill relative to trusts for the care of animals (House, No. 1467), 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.

House bills

Second reading bills.

Making amendments to the Uniform Commercial Code covering general provisions, documents of title and secured transactions and including technical changes (House, No. 89);

Relative to the sale of alcoholic beverages (House, No. 250);

Prohibiting funeral homes from selling lists (House, No. 263);

Relative to the protection of customers (House, No. 287);

Relative to check cashing fees (House, No. 296);

Relative to the storage fee for towing (House, No. 299);

For equity for school principals (House, No. 371, changed);

Relative to the definition of a pharmacy (House, No. 2071);

Authorizing the city of Boston retirement board to grant creditable service to certain nurses (House, No. 2518);

Relative to nurse anesthetists (House, No. 4593);

Providing for members of the Southeastern Regional School District to reallocate the sum of their local contributions to the district by a majority vote of boards of selectmen and a municipal council (House, No. 4676); and

Making a corrective change relative to the town of Millbury and payment of a certain bill (printed in House, No. 4684);

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

Second reading bill amended.

The House Bill improving emergency access to mental health services (House, No. 3465) was read a second time.

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. 4681),— was adopted.

The substituted bill then was ordered to a third reading.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

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

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty-eight minutes after four o'clock P.M., on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.

Wednesday, June 16, 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.

Eternal God, we begin this morning's legislative session with a prayer for guidance as we address and evaluate the matters which come before us. Our daily intention is to serve You, our constituents and our own families conscientiously. Help us to work together in resolving the many challenges which face us as a society in these uncertain times so that our communities will be peaceful, safe and prosperous. Teach us to be good listeners in dealing with the people who look to us for integrity, civility, seekers and speakers of the truth. Tomorrow we observe and celebrate a holiday with rich historical meaning, Bunker Hill Day. Once again may we remember and appreciate the courage, stamina, the personal sacrifices and intelligent foresight of the founders of this great nation. Let the spirit of our founders and their respect for human and spiritual rights of the individual be with us today.

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.

Reports.

Correctional Center,—inspection.

A report of the Department of Public Health (under the provisions of sections 5 and 20 of Chapter 111 of the General Laws) relative to inspection of the Western Massachusetts Regional Women's Correctional Center; and

Workforce and Development.

A quarterly report of the Division of Unemployment Assistance (under the provision of Section 14F of Chapter 151A of the General Laws) relative to the condition of the Commonwealth's Unemployment Insurance Trust Fund;

Severally were spread upon the records of the House; and placed on file.

Resolutions.

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

David Costa.

Resolutions (filed by Mrs. Poirier of North Attleborough) congratulating and recognizing Father David Costa on the occasion of his twenty-fifth anniversary of being ordained a priest;

Scott Brown.

Resolutions (filed by Mr. Galvin of Canton) congratulating K9 Officer Scott Brown on receiving the 2010 Public Safety Award of the Knights of Columbus, Father John J. Flatley Council 2095 of Canton;

Herbert King.

Resolutions (filed by Mr. Galvin of Canton) congratulating Firefighter Herbert King of the Canton Fire Department on receiving the 2010 Public Safety Award of the Knights of Columbus, Father John J. Flatley Council 2095 of Canton;

William Nelson Hull.

Resolutions (filed by Ms. Peisch of Wellesley) honoring William Nelson Hull on receiving the Eagle Award of the Boy Scouts of America;

Nicholas Christopher Hurney.

Resolutions (filed by Representatives Peisch of Wellesley and Balser of Newton) honoring Nicholas Christopher Hurney on receiving the Eagle Award of the Boy Scouts of America;

Sherry Brooks-Roberts.

Resolutions (filed by Mr. Rush of Boston) congratulating Sherry Brooks-Roberts on the occasion of her retirement; and

Kate Forbes Johnson.

Resolutions (filed by Mr. Rush of Boston) congratulating Kate Forbes Johnson on the occasion of her retirement.

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. Honan 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.

Paper from the Senate.

Plowing,—guarantees.

A petition of Stephen M. Brewer and Geraldo Alicea for legislation relative to performance guarantees for subdivision roadway winter plowing, came from the Senate referred, under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2490) was referred, in concurrence, to the committee on State Administration and Regulatory Oversight.

Reports of Committees.

Mystic River.

By Mr. Binienda of Worcester, for the committees on Rules of the two branches, acting concurrently, that the Bill establishing a Mystic River Water Quality Commission (House, No. 807) ought to pass.

Suicide.

By the same member, for the same committee, that the Resolve relative to the study on methods to reduce incidents of suicide (House, No. 3827) ought to pass.

Child suicide,—commission.

By the same member, for the same committee, that the Resolve providing for an investigation and study by a special commission relative to child suicide (House, No. 4522) ought to pass.

Severally referred, under Rule 33, to the committee on Ways and Means.

Guardians,—regulations.

Mr. Binienda of Worcester, for the committee on Rules, on the Order relative to authorizing the committee on the Judiciary to make an investigation and study of certain House documents concerning matters relative to the Judiciary (House, No. 4691) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1513) of David P. Linsky and

Barbara A. L'Italien relative to further regulating the appointment of certain guardians by the Probate Court,— and recommending that the same be recommitted to the committee on the Judiciary. Under Rule 42, the report was considered forthwith; and it was accepted.

Infrastructure Program.

By Mr. Cabral of New Bedford, for the committee on Bonding, Capital Expenditures and State Assets, that the Bill establishing the Massachusetts Opportunity Rebuilding and Expansion Infrastructure Program (House, No. 337) ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Connecticut River rowing facility.

By Mr. Cabral of New Bedford, for the committee on Bonding, Capital Expenditures and State Assets, that the Bill relative to the Connecticut River rowing facility (House, No. 3145) ought to pass with an amendment by substitution therefore of a bill with the same title (House, No. 4765). Referred, under Rule 33, to the committee on Ways and Means, with the amendment pending.

Everett,— charter commission.

By Mr. Moran of Boston, for the committee on Election Laws, on a petition, a Bill validating the election of a charter commission in the city of Everett (House, No. 4739) [Local Approval Received].

Chicopee,— mayor.

By the same member, for the same committee, on a petition, a Bill relative to the city of Chicopee and the term of mayor (House, No. 4713) [Local Approval Received].

Public procurement.

By Mr. Walsh of Lynn, for the committee on State Administration and Regulatory Oversight, on House, No. 12 and a part of House, No. 8, a Bill relative to public procurement (House, No. 12).

Inspector General,— employees.

By the same member, for the same committee, on House, No. 13 and a part of House, No. 8, a Bill authorizing employees of the Inspector General's office to participate in representative town meeting (House, No. 13).

Apprentice training.

By the same member, for the same committee, on a petition, a Bill relative to apprentice training (House, No. 4580).

Watertown,— library improvements.

By the same member, for the same committee, on a petition, a Bill providing for the leasing and construction of improvements to the North Branch Library and East Branch Library buildings in the town of Watertown (House, No. 4667) [Local Approval Received].

Public records law.

By the same member, for the same committee, on House, No. 180, a Bill concerning the public records law (House, No. 4764).

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

Emergency Measures.

Essex Aggie.

The engrossed Bill relative to the Essex North Shore Agricultural and Technical School (see Senate, No. 2392), 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.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

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

Accordingly, at twelve minutes after eleven o'clock A.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.

Monday, June 21, 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 of Goodness and Truth, as we begin this morning's legislative session we pause for a moment of prayer, reflection, and meditation. By turning our thoughts and attention to You, in prayer, we receive the knowledge and strength to follow Your teachings and ways in our daily living. This morning we thank You for this beautiful day, the first day of summer. The summertime is not only a season for vacation and family gatherings but also a time to appreciate the beauty, mystery and wonders of Your creation. During the summertime You provide us with an abundance of food and produce for our family tables. We thank You for watching over us and caring for us at all times and in all circumstances.

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.

Message from the Governor — Supplemental Appropriation Bill Returned with Disapprovals.

Supplementary appropriations.

A message from His Excellency the Governor returning with his disapproval of certain items contained in sections 2, 2A and 2D contained in the engrossed Bill making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects [see House, No. 4759, amended] (for message, see House, No. 4773) was filed in the office of the Clerk on Wednesday, June 16.

The message was read; and it was referred, under Rule 30, to the committee on Ways and Means.

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

Id.

A message from His Excellency the Governor returning with recommendation of amendment Section 4 contained in the engrossed Bill making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects [see House, No. 4759, amended] (for message, see House, No. 4774) was filed in the office of the Clerk on Wednesday, June 16.

The message was read; and said Section 4 (published as House, No. 4775), was referred, on motion of Mr. Pedone of Worcester, to the committee on Bills in the Third Reading.

Message from the Governor.

Grafton,—land conveyance.

A message from His Excellency the Governor recommending legislation relative to authorizing the leasing of land in the town of Grafton to the United States Department of Labor and authorizing the conveyance or lease of surplus state-owned properties (House, No. 4780) was filed in the office of the Clerk on Wednesday, June 16.

The message was read; and it was referred, under Rule 30, to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

Resolutions.

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

Stephen Shestakofsky.

Resolutions (filed by Mr. Brownsberger of Belmont) honoring Stephen Shestakofsky on the occasion of his retirement from the Massachusetts Medical Society;

Robert Pirtle.

Resolutions (filed by Ms. Peake of Provincetown) congratulating Robert Earl Mason Pirtle on receiving the Eagle Award of the Boys Scouts of America;

Cornelius Van Dyck.

Resolutions (filed by Ms. Peake of Provincetown) congratulating Cornelius Maxwell Van Dyck on receiving the Eagle Award of the Boys Scouts of America; and

Paul V. Garrity.

Resolutions (filed by Mr. Walsh of Lynn) recognizing Monsignor Paul V. Garrity of St. Mary's Parish in the city of Lynn;

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. Fagan of Taunton, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Amesbury,—ballot question.

Representative Costello of Newburyport and Senator Baddour presented a joint petition (accompanied by bill House, No. 4772) of Michael A. Costello and Steven A. Baddour (by vote of the town) for legislation to authorize a certain question relative to charter provisions in the town of Amesbury to be placed on the state election ballot; and the same was referred to the committee on Election Laws. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

Trade,—regulate.

By Mr. Moran of Boston, a petition (subject to Joint Rule 12) of Michael J. Moran for legislation regulating trade practices.

David Peets,—sick leave.

By Mr. Naughton of Clinton, a petition (subject to Joint Rule 12) of Harold P. Naughton, Jr., for legislation to establish a sick leave bank for David A. Peets, an employee of the Department of Correction; and

Medical records,—fees.

By Mr. O'Day of West Boylston, a petition (subject to Joint Rule 12) of James J. O'Day relative to copying fees for medical records;

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

Papers from the Senate.

Bills

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

Credit unions.

Authorizing the town of Hubbardston to send certain information to the voters relative to ballot questions (Senate, No. 2090, amended in section 1, in lines 8 to 15, inclusive, by striking out the sentence contained therein and inserting in place thereof the following sentence: "The board of selectmen shall make the notice available by posting it: (i) on the town's official website; (ii) at each polling place in the town; (iii) at the town post office; (iv) at the town office building; and (v) subject to available funds and any other conditions that may be imposed by by-law, mailing the notice, or a statement indicating where and how the notice may be obtained, to each residence of a registered voter whose name appears on the latest active voting list in the town; provided, however, that posting of notice under this section may be revised by by-law.") (on a petition) [Local Approval Received];

Hubbardston,—voter information.

Authorizing the town of Erving to establish an other postemployment benefits trust fund (Senate, No. 2387) (on a petition) [Local Approval Received]; and

Erving,—trust fund.

Authorizing the city of Melrose to enter into a tax deferment agreement with Stone Place Limited Partnership (Senate, No. 2438) (on a petition) [Local Approval Received];

Melrose,—tax deferment agreement.

Severally passed to be engrossed by the Senate were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 2484) of Stephen J. Buoniconti (with the approval of the mayor and city council) for legislation relative to the sale and storage of goods in public ways in the city of Springfield; and

Springfield,—street vendors.

Petition (accompanied by bill, Senate, No. 2491) of Michael W. Morrissey and Allen J. McCarthy (by vote of the town) for legislation relative to the transfer of certain funds in the town of Abington;

Abington,—fund transfer.

Severally to the committee on Municipalities and Regional Government.

A petition of Joan M. Menard and Stephen R. Canessa for legislation to designate the Plymouth red-bellied cooter as the official turtle of the Commonwealth, came from the Senate referred, under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.

Plymouth red-bellied cooter.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2507) was referred, in concurrence, to the committee on State Administration and Regulatory Oversight.

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 James E. Vallee

Meghan Savage,—sick leave.

for legislation to establish a sick leave bank for Meghan Savage, an employee of the Department of Children and Families. Under suspension of the rules, on motion of Mr. Kafka of Stoughton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Collection agencies.

Mr. Binienda of Worcester, for the committee on Rules, on the Order relative to authorizing the committee on Financial Services to make an investigation and study of certain House documents concerning financing and financial services (House, No. 4742) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 887) of Brian S. Dempsey for legislation to allow collection agencies to accept assignment of debts,— and recommending that the same be recommitted to the committee on Financial Services. Under Rule 42, the report was considered forthwith; and it was accepted.

High schools,— graduation.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill relating to high school graduation requirements for students with learning disabilities (House, No. 4665),— and recommending that the same be referred to the committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted.

Everett,— charter commission.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill validating the election of a charter commission in the city of Everett (House, No. 4739) [Local Approval Received] be scheduled for consideration by the House.

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

Tax accountability.

By Mr. Kaufman of Lexington, for the committee on Revenue, on House, No. 2795, a Bill relative to tax accountability and good government (House, No. 4769). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Prescription monitoring.

Ms. Stanley of West Newbury, for the committee on Health Care Financing, that the Bill relative to the enhancement of the prescription monitoring program (House, No. 4478) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4770) [Cost: Greater than $100,000.00]. Read; and referred, under Rule 33, to the committee on Ways and Means, with the amendment pending.

Information technology.

By Mr. Walsh of Lynn, for the committee on State Administration and Regulatory Oversight, on House, No. 2995, a Bill relative to accessible electronic information technology for persons with disabilities (House, No. 4767).

Payment,— credit cards.

By the same member, for the same committee, on House, No. 2997, a Bill relative to the use of credit cards for payment to the Commonwealth (House, No. 4768).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Ms. Stanley of West Newbury, for the committee on Health Care Financing, that the Bill relative to the youth alcohol education program to reduce underage drinking and promote healthy choices (House, No. 1925) ought to pass with amendments in line 1 by striking out the figures "2004" and inserting in place thereof the figures "2008"; and in line 13 by striking out the words "established and administered" and inserting in place thereof the word "certified". Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendments pending.

Alcohol education program.

By Mr. Walsh of Lynn, for the committee on State Administration and Regulatory Oversight on House, Nos. 5, 10, 14, 15, 95, 1113, 1118, 1119, 1139, 1157, 2955, 2957, 2958, 2960, 2963, 2965, 2966, 2967, 2970, 2973, 2974, 2976, 2978, 2981, 2982, 2983, 2984, 2985, 2989, 2990, 2992, 2993, 2996, 2998, 3000, 3001, 3002, 3003, 3009, 3011, 3013, 3015, 3016, 3017, 3018, 3019, 3020, 3023, 3024, 3026, 3036, 3037, 3039, 3040, 3041, 3042, 3044, 3045, 3049, 3050, 3052, 3054, 3492, 3493, 3495, 3496, 3497, 3498, 3499, 3500, 3501, 3502, 3503, 3505, 3506, 3508, 3509, 3510, 3615, 3619, 3620, 3621, 3695, 3760, 3761, 3835, 3836, 3839, 3852, 3971, 3973, 3974, 3975, 3976, 3977, 3978, 3979, 3980, 3981 and 4426, an Order relative to authorizing the committee on State Administration and Regulatory Oversight to make an investigation and study of certain House documents concerning state administration and regulatory oversight (House, No. 4781).

State Administration and Regulatory Oversight,—study.

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 said 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.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill relative to access to epinephrine in schools (House, No. 2077) be scheduled for consideration by the House, with the amendments previously recommended by the committee on Health Care Financing, pending;

Epinephrine.

By the same member, for the same committee, that the House Bill relative to the transporting of deceased persons (House, No. 2180) be scheduled for consideration by the House, with the amendment previously recommended by the committee on Health Care Financing, pending;

Deceased persons,—transportation.

By the same member, for the same committee, that the House Bill to establish a board of certification of community health workers (House, No. 4130) be scheduled for consideration by the House, with an amendment (House, No. 4692) previously recommended by the committee on Health Care Financing, pending; and

Community health workers.

By the same member, for the same committee, that the House Bill further regulating the business of insurance in the Commonwealth by protecting insureds' rights to receive benefits for ambulance services and by restricting the ability of ambulance services to balance bill for services rendered (House, No. 4477) be scheduled for considera-

Ambulatory services.

tion by the House, with an amendment (House, No. 4693) previously recommended by the committee on Health Care Financing, pending.

Severally placed in the Orders of the Day for a second reading, with the amendments pending.

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

North Adams,—finances.

The Senate Bill relative to the financial condition of the city of North Adams (Senate, No. 2442) [Local Approval Received]; and

House bills

Schools.

Relative to dress codes in public schools (House, No. 385, changed);

School choice.

To increase accountability in school choice reimbursement (House, No. 498, changed);

Voter identification.

Establishing identification requirements for voters who registered by mail (House, No. 663);

Health alerts.

Relative to the issuance of public health warnings (House, No. 2042);

Mutual aid.

Relative to mutual aid for local public health (House, No. 2104);

Cosmetics.

Relative to healthy cosmetics (House, No. 2108);

Benefits.

Repealing mandated benefits that are no longer effective (House, No. 3679);

Health care,—language.

To eliminate antiquated language in health care requirements (House, No. 3920);

Inhalants.

Relative to inhalant abuse (House, No. 4254);

Rumney Marsh.

To include the Saugus River watershed on the citizens advisory board on uses of the Rumney Marsh area (House, No. 4431);

Sherborn,—land.

Making a technical correction in a special law relative to certain land in the town of Sherborn (printed in House, No. 4614);

Absentee ballots.

Relative to absentee ballots (House, No. 4661); and

Internet safety.

Relative to internet safety in schools (House, No. 4672);

Severally placed in the Orders of the Day for the next sitting for a second reading.

Emergency Measures.

Telephone poles,—transportation.

The engrossed Bill relative to the transportation of telephone poles (see House, No. 3790), 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 7 to 0. Sent to the Senate for concurrence.

Dukes County,—trust fund.

The engrossed Bill authorizing the government employers in the county of Dukes County to establish a pooled other post-employment benefits trust fund (see House, No. 4105), 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.

The engrossed Bill relative to the Essex North Shore Agricultural and Technical School (see Senate, No. 2392) (which originated in the Senate), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate. Bill enacted.

The engrossed Bill authorizing the city of Methuen to repay the borrowing of certain monies for a period of up to 20 years (see House, No. 4404, amended) (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. Id.

Orders of the Day.

The Senate Bill validating the election of a charter commission in the city of Holyoke (Senate, No. 2408, amended), 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. Third reading bill.

The House Bill authorizing James M. McGarry to continue to serve as police chief in the town of Sheffield (House, No. 4487), 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. Id.

Order.

On motion of Mr. DeLeo of Winthrop,—

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

At eighteen minutes after eleven o'clock A.M., on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Wednesday at eleven o'clock A.M.

Wednesday, June 23, 2010.

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

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

Prayer.

Gracious God, we focus our attention and thoughts on You, our Creator, and in prayer seek spiritual values and Your guidance during the course of this day. In Your goodness help us to make decisions and to select choices which respect the dignity of each individual, serve the common good and offer us peace of mind and conscience. In these uneasy times and in dealing with current difficult and complex issues, inspire us to seek truth and to speak truth in addressing items which come before us. Teach us to offer legislative proposals which serve both the current and future needs of the people and the Commonwealth. At all times may we be guided by traditional philosophical principals, values and virtues which form the foundation of our society and our constitutions.

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.

Resolutions.

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

Stephen H. Moynihan.

Resolutions (filed by Mr. Ayers of Quincy) congratulating Stephen H. Moynihan on the occasion of his eightieth birthday;

Charles G. Cody.

Resolutions (filed by Mr. Driscoll of Braintree) commending Lieutenant Colonel Charles G. Cody of Braintree, a decorated Army Engineer Officer on his return from his deployment in Iraq;

Ronald Parsons.

Resolutions (filed by Mr. Keenan of Salem) congratulating Lieutenant Colonel Ronald Parsons on the occasion of his retirement; and

Shawn C. Cody.

Resolutions (filed by Mr. Murphy of Weymouth) commending Major Shawn C. Cody of Weymouth, a decorated U.S. Army officer on his return from his deployment at Camp Liberty in Baghdad, Iraq;

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. Galvin of Canton, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Recess.

Recess.

At five minutes after eleven o'clock A.M., on motion of Mr. Smith of Everett (Mr. Donato of Medford being in the Chair), the House

recessed until the hour of one o'clock P.M.; and at eighteen minutes after one o'clock the House was called to order with the Speaker in the Chair.

Guests of the House.

Gabriel De La Rosa.

The Speaker then introduced Gabriel De La Rosa, along with his family and friends, Michelle Duarte, Iria Tineo, Elvis Gomez, Carlos Motta, Sydney Motta, Melissa Pacheco and Lucy Dias, all of New Bedford. Mr. De La Rosa, winner of the 2010 New Bedford Idol Competition then sang the Star Spangled Banner. They were the guests of Representatives Cabral of New Bedford, Canessa of New Bedford, Koczera of New Bedford and Quinn of Dartmouth.

Boston College Eagles,— 2010 College Hockey National Champions.

During the session, the Speaker took the Chair and turned the gavel over to Mr. Honan of Boston, who introduced the National College Hockey Champion Boston College Eagle's hockey team with their coaches, Head Coach Jerry York, Associate Coach Mike Cavanaugh and Assistant Coaches Greg Brown and Jim Logue. Representative Honan then presented to the coach previously adopted resolutions of the House commending the team on their championship season. Coach York and assistant captains Ben Smith and Matt Lombardi then each addressed the House briefly. The Speaker introduced Representatives Driscoll of Braintree, Falzone of Saugus, Forry of Boston, Linsky of Natick, Malia of Boston, McCarthy of East Bridgewater and Timilty of Milton, graduates of Boston College who were standing on the rostrum. The team and coaches were the guests of the Speaker and all 33 of the Boston College alumni members of the House.

Fore River Young Marines.

During the session, the Speaker introduced the Young Marines of the official youth drug demand reduction program of the United States Marine Corps, an organization that for over 50 years has taught drug awareness and leadership to children ages 8 to 18. The Fore River Young Marines are based in Quincy on the U.S.S. Salem. They were accompanied by Terry Downey and Jenifer LaFlamme, unit commanders; and were the guests of Representatives Ayers of Quincy, Driscoll of Braintree, Mariano of Quincy, McCarthy of East Bridgewater, Murphy of Weymouth and Tobin of Quincy.

UMass-Boston Beacons.

During the session, Mr. Walsh of Boston took the Chair and introduced the University of Massachusetts at Boston baseball team and its coaches, accompanied by Chancellor Keith Motley. Chancellor Motley then addressed the House.

Papers from the Senate.

Health care providers,— assault.

The House Bill relative to assault and battery on health care providers (House, No. 1696, amended), came from the Senate passed to be engrossed, in concurrence, with amendments striking out all after the enacting clause and inserting in place thereof the following:

"Chapter 265 of the General Laws is hereby amended by striking out section 13I, as appearing in the 2008 Official Edition, and inserting in place thereof the following section:—

Health care providers,— assault.

Section 13I. Whoever commits an assault or an assault and battery on an emergency medical technician, an ambulance operator, an ambulance attendant or a health care provider as defined in section 1 of chapter 111, while the technician, operator, attendant or provider is treating or transporting a person in the line of duty, shall be punished by imprisonment in the house of correction for not less than 90 days nor more than 2 and one-half years or by a fine of not less than $500 nor more than $5,000, or both."; 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 provide forthwith for the immediate safety of health care personnel, 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. Donelan of Orange, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn, as changed) were considered forthwith; and they were adopted, in concurrence.

Millis,— board of assessors.

The House Bill amending the charter of the town of Millis to establish an appointed board of assessors (House, No. 4473), came from the Senate passed to be engrossed, in concurrence, with an amendment striking out section 3 and inserting in place thereof the following section:

"SECTION 3. Upon the effective date of this act, the board of selectmen may appoint a board of assessors in accordance with section III-3 of the Millis town charter. Initial appointments under said section shall be made as follows: 1 for a 1-year term, 1 for a 2-year term, and 1 for a 3-year term. Upon the appointment of a board of assessors under said section III-3, the terms of the incumbent members of the board of assessors shall terminate and the elected board of assessors shall be abolished. No contracts or liabilities in force on the effective date of this act shall be affected by the abolition of the elected board of assessors. The appointed board shall, in all respects, be the lawful successor of the elected board. All records, property and equipment whatsoever of the elected board shall be assigned to the appointed board.".

Under suspension of Rule 35, on motion of Mr. Linsky of Natick, 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.

Thomas Troy,— sick leave.

The House Bill establishing a sick leave bank for Thomas Troy, an employee of the Department of Correction (House, No. 4530, amended), came from the Senate with the endorsement that said branch had concurred with the House in its further amendments with still further amendments striking out all after the enacting clause (inserted by further amendment by the House) and inserting in place thereof the following:

"Notwithstanding any general or special law or rule or regulation to the contrary, the Suffolk county sheriff's department shall establish a sick leave bank for Thomas Troy, an employee of the sheriff's

department. Any employee of the Suffolk county sheriff's department may voluntarily contribute 1 or more sick days to the sick leave bank for use by Thomas Troy. 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 sheriff's department. Whenever Thomas Troy terminates employment with the sheriff's department or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the extended illness leave bank."; striking out the emergency preamble (inserted by further amendment by the House) and inserting in place thereof 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 Suffolk county sheriff's department, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."; and striking out the title (inserted by further amendment by the House) and inserting in place thereof the following title: "An Act establishing a sick leave bank for Thomas Troy, an employee of the Suffolk county sheriff's department.".

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

Floor finishing products.

The House Bill relative to floor finishing products (House, No. 4565), 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 2506.

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

Debt restructuring.

The House Bill relative to debt restructuring (House, No. 4617, amended), came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2432, amended in section 1, in lines 23, 24 and 25, by striking out the paragraph contained therein.

Under suspension of Rule 35, on motion of Mr. Driscoll of Braintree, 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.

Crosby's Corner.

A report of the committee on Transportation, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 2471) of Susan C. Fargo, Thomas P. Conroy and Cory Atkins for legislation relating to the improvements of Route 2, Crosby's Corner interchange, in the towns of Lincoln and Concord,—and recommending the same be referred to the Senate committee on

Crosby's Corner.

Ways and Means,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence, insomuch as relates to the discharge of the committee.

Home health aides,— medication.

The Senate Bill prohibiting the administration of certain medications by home health aides (Senate, No. 860) (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.

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 following petitions:

Medical records.

Petition (accompanied by bill) of James J. O'Day relative to copying fees for medical records. To the committee on Public Health.

Police training schools.

Petition (accompanied by bill) of Lydia Marie XinZhen Brown relative to the curriculum taught at municipal police training schools. To the committee on Public Safety and Homeland Security.

Under suspension of the rules, on motion of Mr. Binienda, the reports were considered forthwith. Joint Rule 12 was suspended, in each instance. Severally sent to the Senate for concurrence.

Bethany M. Tsioropoulos,— sick leave.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Bethany M. Tsioropoulos, an employee of the Massachusetts Rehabilitation Commission (House, No. 4752). 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.

Subsequently, under suspension of the rules, on motion of Mr. Dempsey of Haverhill, 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.

Eunice Kennedy Shriver Day.

By Mr. Walsh of Lynn, for the committee on State Administration and Regulatory Oversight, on House, No. 4731, a Bill designating Eunice Kennedy Shriver Day (House, No. 4796). 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 Mr. Kafka of Stoughton, the bill was read a second time forthwith; and it was ordered to a third reading.

Explosives,— regulate.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill strengthening the laws related to the regulation of explosives (Senate, No. 2468) 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.

A report of the committee on Financial Services, ought NOT to pass (under Joint Rule 10) on the petition (accompanied by bill, House, No. 984) of Ronald Mariano relative to "stranger" originated life and disability insurance, was considered forthwith, under suspension of the rules, on motion of Mr. Koutoujian of Waltham. Life and disability insurance.

Pending the question on acceptance of the report, the petition was recommitted, on further motion of the same member.

By Mr. Walsh of Lynn, for the committee on State Administration and Regulatory Oversight, on House, No. 3972, a Resolve providing for an investigation and study by a special commission relative to quasi public agencies (House, No. 4787). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently. Quasi public agencies,– study.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill relative to flood storage (House, No. 732). Flood storage.

By the same member, for the same committee, on a petition, a Bill relative to biomass combustion facilities (House, No. 759). Biomass facilities.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill relative to sex offender registration (House, No. 3527). Sex offender registration.

By Mr. Walsh of Lynn, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill conveying land to the town of Salisbury (House, No. 634). Salisbury,— land.

By the same member, for the same committee, on House, No. 3005, a Bill promoting responsible investment and the prevention of genocide (House, No. 4782). International investment.

By the same member, for the same committee, on House, No. 3006, a Bill to convey certain Commonwealth property consisting of the waters of Farm Pond, its tributaries, and water distribution system to the town of Sherborn (House, No. 4783). Sherborn,— Farm Pond land.

By the same member, for the same committee, on House, No. 3038, a Bill to ensure diversity in proposal review teams (House, No. 4784). Proposal review.

By the same member, for the same committee, on House, No. 3010, a Bill relative to the board of electrical examiners (House, No. 4788). Electrical examiners.

By the same member, for the same committee, on Senate, Nos. 6 and 1416 and House, Nos. 102, 2962, 2987, 3004, 3025 and 4092, a Bill providing for disposition of surplus state real property based on smart growth land use policies (House, No. 4790). Surplus land.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on a petition, a Bill relative to investment adviser registration (House, No. 303). Investment advisers.

By the same member, for the same committee, on a petition, a Bill relative to the composition of the licensing board for the city of Pittsfield (House, No. 4682) [Local Approval Received]. Pittsfield,— licensing.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill amending and updating the Foxborough Sewer Act (House, No. 4680) [Local Approval Received]. Foxborough,— sewer act.

Guardian appointment.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a recommitted petition, a Bill further regulating the appointment of certain guardians (House, No. 1513).

Public records.

By Mr. Walsh of Lynn, for the committee on State Administration and Regulatory Oversight, on House, No. 3048, a Bill amending the public records law (House, No. 4785).

Construction contracts,—bidding.

By the same member, for the same committee, on House, No. 3759, a Bill relative to bidding for public construction contracts (House, No. 4786) [Representative Spiliotis of Peabody dissenting].

Public employees,—GPS.

By the same member, for the same committee, on House, No. 3012, a Bill relative to global positioning system technology and public employees (House, No. 4789) [Representative Perry of Sandwich dissenting].

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

Health care,—bonds.

By Mr. Cabral of New Bedford, for the committee on Bonding, Capital Expenditures and State Assets, that the Senate Bill financing health care through moral obligation bonds (Senate, No. 2208) ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House, No. 4771. Referred, under Rule 33, to the committee on Ways and Means, with the amendment pending.

General Appropriation Bill.

Mr. Murphy of Burlington, 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 2470) of the House Bill making appropriations for the fiscal year 2011 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 (House, No. 4601), reported, in part, a Bill making appropriations for the fiscal year 2011 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 (House, No. 4800) [Appropriations: $27,935,088,812.00]. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling then reported that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting, the question being on acceptance.

Emergency Measure.

Debt restructuring.

The engrossed Bill relative to debt restructuring (House, No. 4617, 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 23 to 0. Sent to the Senate for concurrence.

Engrossed Bill — Land Taking.

The engrossed Bill exempting the city of Springfield from certain provisions of the general laws (see House, No. 4316) (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. Springfield,— Forest Park Zoo.

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. 418.

[See Yea and Nay No. 418 in Supplement.]

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

Engrossed Bills.

Engrossed bills

Relative to the transportation of telephone poles (see House, No. 3790); and Bills enacted.

Authorizing the government employers in the county of Dukes County to establish a pooled other post-employment benefits trust fund (see House, No. 4105);

(Which severally originated in the House);

In respect to which the Senate had concurred in adoption of the emergency preamble, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Engrossed bills

Validating the election of a charter commission in the city of Holyoke (see Senate, No. 2408, amended) (which originated in the Senate); Id.

Relative to the removal of spending limits in the town of North Andover (see House, No. 1897);

Designating a certain section of state highway Route 110 in the city of Haverhill as the Emilio Brothers Memorial Highway (see House, No. 3197);

Relative to health insurance coverage for retired employees of the town of Brookline (see House, No. 4451);

Increasing the membership of the board of the Commonwealth Zoological Corporation (see House, No. 4707); and

Authorizing the town of Northborough to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 4719);

(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. Wagner of Chicopee, for the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendments of the House Bill relative to safe driving (House, No. 4475), Safe driving.

Safe driving.

reported recommending passage of a bill with the same title (House, No. 4795). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

Conference committee report accepted,—yea and nay No. 419.

After debate on the question on acceptance of the report of the committee of conference, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 154 members voted in the affirmative and 1 in the negative.

[See Yea and Nay No. 419 in Supplement.]

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

Orders of the Day.

Regional school district budgets.

The engrossed Bill relative to regional school district budgets (see House, No. 4775), being a printed copy of Section 4 contained in the engrossed Bill making supplemental appropriations for the fiscal year 2011 (see House, No. 4579, amended), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see House, No. 4774), was considered.

The committee on Bills in the Third Reading reported that the amendment recommended by the Governor be considered in the following form:—

By striking out all after the enacting clause and inserting in place thereof the following:

"Notwithstanding section 114 of chapter 27 of the acts of 2009 or any general or special law to the contrary, a city or town whose fiscal year 2008 actual local contributions were lower than the amounts calculated in the one-time adjustment used pursuant to the fiscal year 2010 funding formula under chapter 70 of the General Laws may appeal to the department of revenue for an adjustment of its minimum required local contribution and net school spending not later than June 30, 2010, and any resulting adjustment causing the city or town to fall below its foundation level of spending shall be reimbursed to such level using American Recovery and Reinvestment Act State Fiscal Stabilization Funds.".

The report was accepted. The amendment then was adopted. Sent to the Senate for its action.

Third reading bill.

The Senate Bill relative to the requirements for licensing as a real estate broker or salesman (Senate, No. 121, amended) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendments previously adopted by the House.

Third reading bills.

Senate Bills

Authorizing the town of Milton to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises of a certain restaurant (Senate, No. 141, amended); and

Designating a playground at the Marine Park in South Boston as the Michael Joyce Memorial Playground (Senate, No. 2435);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

House bills

Third reading bills and resolve.

Prohibiting funeral homes from selling lists (House, No. 263);

Relating to the standard fire insurance policy (House, No. 960);

Relative to continuing education of insurance producers (House, No. 963, changed);

Relative to William J. Higgins, an employee of the town of Nantucket (House, No. 1125);

Relative to the determination of condominium common area interest (House, No. 1235);

Relative to property tax exemptions in the town of Ashland (House, No. 1904, changed);

Relative to continuing education requirements for real estate brokers and sales persons (House, No. 4169) (its title having been changed by the committee on Bills in the Third Reading);

Authorizing the treasurer of the town of Dennis to borrow in anticipation of reimbursements from betterments assessed (House, No. 4244) (its title having been changed by the committee on Bills in the Third Reading);

Authorizing the town of Sherborn to use certain town forest land (House, No. 4585);

Protecting nursing home residents (House, No. 4637) (its title having been changed by the committee on Bills in the Third Reading);

Making a corrective change relative to the town of Millbury and payment of a certain bill (printed in House, No. 4684);

Validating the election of a charter commission in the city of Everett (House, No. 4739); and

Authorizing the Bristol county commissioners to borrow money for the repair of sewer extension facilities at the Bristol County Agricultural High School (House, No. 4763); and

The House Resolve extending the time within which the special commission established to make an investigation and study relative to 1,000 great places in the Commonwealth shall file its final report (House, No. 4517) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Second reading bill engrossed.

The Senate Bill relative to the financial condition of the city of North Adams (Senate, No. 2442) was read a second time; and it was ordered to a third reading.

Subsequently, 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, in concurrence.

Second reading bills.

House bills

Relative to dress codes in public schools (House, No. 385, changed);

To increase accountability in school choice reimbursement (House, No. 498, changed);

Establishing identification requirements for voters who registered by mail (House, No. 663);

Relative to the issuance of public health warnings (House, No. 2042);

Relative to mutual aid for local public health (House, No. 2104);

Relative to healthy cosmetics (House, No. 2108);

Repealing mandated benefits that are no longer effective (House, No. 3679);

To eliminate antiquated language in health care requirements (House, No. 3920);

To include the Saugus River watershed on the citizens advisory board on the uses of the Rumney Marsh area (House, No. 4431);

Making a technical correction in a special law relative to certain land in the town of Sherborn (printed in House, No. 4614);

Relative to absentee ballots (House, No. 4661); and

Relative to internet safety in schools (House, No. 4672);

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

Second reading bill amended.

The House Bill relative to access to epinephrine in schools (House, No. 2077) was read a second time.

The amendments previously recommended by the committee on Health Care Financing,— that the bill be amended in line 2 by striking out the figures "2002" and inserting in place the figures "2008"; in line 13 by striking out the word "must" and inserting in place the word "shall"; in line 15 by striking out the words "such as" and inserting in place the words "including, but not limited to"; and in line 15 by inserting after the word "lunchroom." the following sentence: "The Department may promulgate regulations concerning storage of epinephrine.",— were adopted.

The bill (House, No. 2077, amended) then was ordered to a third reading.

Id.

The House Bill relative to the transporting of deceased persons (House, No. 2180) was read a second time.

The amendment previously recommended by the committee on Health Care Financing,— that the bill be amended in lines 1 and 2 by striking out the paragraph in those lines and inserting in place the following paragraph:

"The third paragraph of section 4 of Chapter 38 of the General Laws is hereby amended by inserting at the end thereof the following words:",— was adopted.

The bill (House, No. 2180, amended) then was ordered to a third reading.

Time-share ownership.

The House Bill relative to time-share ownership (House, No. 4496), 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 substitution of a bill with the same title (House, No. 4803), which was read.

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

Employment information.

The House Bill relative to disclosure of employment information (House, No. 4647) was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Jones of North Reading moved to amend it by substitution of a bill with the same title (House, No. 4802), which was read.

The amendment was adopted; and the substituted bill was ordered to a third reading.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

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

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at eleven minutes after four o'clock P.M., on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M.

Thursday, June 24, 2010.

Met according to adjournment, at eleven o'clock A.M., with Mr. Kafka of Stoughton 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.

Eternal God in Whom we place our trust and hope, we begin today's formal legislative session by remembering in prayer You and Your presence in our midst and in our lives. We depend upon Your assistance and Your gift of knowledge, as elected leaders, in our struggle to recognize and to do what is right, honorable and appropriate in these changing times. Teach us, as we craft legislation, to learn from the successful programs as well as the failures of our predecessors in meeting today's challenges. May we be fully aware of the expectations and concerns of constituents. In these times of limited resources and unlimited needs, may we work together to make our communities safe, prosperous, civil and ethical. Let our hearts and minds be filled with enthusiasm, joy, peace and courage to meet our responsibilities. May the spirit and vision of the founders of this nation be with us today.

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. Kafka), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Silent Prayer.

State Police Sgt. Douglas A. Weddleton.

At the request of Representatives Brady of Brockton, Canavan of Brockton and Creedon of Brockton, the members, guests and employees stood in a moment of silent prayer in respect to the memory of State Police Sgt. Douglas A. Weddleton of Brockton, who died unexpectedly in the line of duty on Friday, June 18, 2010. He was born in Randolph and was a lifelong resident of Brockton.

Statement Concerning Representative Bosley of North Adams.

A statement of Mr. Vallee of Franklin concerning Mr. Bosley of North Adams was spread upon the records of the House, as follows:

Statement concerning Mr. Bosley of North Adams.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Bosley of North Adams, is unable to be present in the House Chamber for today's sitting due to official business outside of the State House. His missing of roll calls today is due entirely to the reason stated.

Statement Concerning Representative Donato of Medford.

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

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Donato of Medford, is unable to be present in the House Chamber for today's sitting due to personal business. His missing of roll calls today is due entirely to the reason stated.

Statement concerning Mr. Donato of Medford.

Statement of Representative Pedone of Worcester.

A statement of Mr. Pedone of Worcester was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact I will not be present in the House Chamber for the remainder of today's sitting due to official legislative business in my district. My missing of roll calls for the remainder of today will be due entirely to the reason stated.

Statement of Mr. Pedone of Worcester.

Statement of Representative Spellane of Worcester.

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

MR. SPEAKER: I would like to call to the attention of the House the fact I will not be present in the House Chamber for the remainder of today's sitting due to a previously scheduled family commitment. My missing of roll calls for the remainder of today will be due entirely to the reason stated.

Statement of Mr. Spellane of Worcester.

Guests of the House.

During the session, Mrs. Harkins of Needham took the Chair and introduced John and Maureen Boisvert of Needham and their four sons — Drew, Ian, Spencer and Reed. They were the guests of Representative Harkins of Needham.

Boisvert family.

Resolutions.

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

Resolutions (filed by Mr. Arciero of Westford) congratulating Ellen Harde of Westford on being named the 2010 Person of the Year by the Westford Kiwanis Club;

Ellen Harde.

Resolutions (filed by Representatives Barrows of Mansfield and Poirier of North Attleborough) on the occasion of the dedication of the Michael J. Coppola Circle;

Michael J. Coppola Circle.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Eric G. Brown on earning the Eagle Scout Award;

Eric G. Brown.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Antonino Gentle on earning the Eagle Scout Award;

Antonino Gentle.

Resolutions (filed by Representatives Koutoujian of Waltham, Stanley of West Newbury, Brownsberger of Belmont and Sánchez of Boston) honoring Stephen Shestakofsky on the occasion of his retirement from the Massachusetts Medical Society;

Stephen Shestakofsky.

Resolutions (filed by Ms. Peisch of Wellesley) congratulating Mary Wolf on the occasion of her retirement from Wellesley Public Schools;

Mary Wolf.

Patricia Gavin.

Resolutions (filed by Mr. Rogers of Norwood) congratulating Patricia Gavin, Norwood Rotary Club's Citizen of the Year;

Mildred Doyle.

Resolutions (filed by Mr. Walsh of Boston) congratulating Mildred Yvonne Thomas Doyle on the occasion of her ninetieth birthday; and

Dave Saviano.

Resolutions (filed by Mr. Walsh of Boston) congratulating Dave Saviano on the occasion of his retirement;

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. Peterson of Grafton, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Arlington,—safety zones.

By Mr. Garballey of Arlington, a petition (accompanied by bill, House, No. 4805) of Sean Garballey, Kenneth J. Donnelly and others (by vote of the town) that the town of Arlington be authorized to establish senior citizen safety zones adjacent to certain facilities used by elderly persons in said town; and

Boston,—easement.

By Mr. Michlewitz of Boston, a petition (accompanied by bill, House, No. 4806) of Aaron Michlewitz (with the approval of the mayor and city council) for legislation to authorize the city of Boston to grant certain easements for the replacement of an elevator at Park Street Station located on the Boston Common.

Severally to the committee on Municipalities and Regional Government.

Severally sent to the Senate for concurrence.

Pepperell,—ballot question.

Mr. Hargraves of Groton presented a petition (subject Joint Rule 12) of Robert S. Hargraves and Steven C. Panagiotakos (by vote of the town) that the Secretary of the Commonwealth be directed to place a certain question on the ballot in the town of Pepperell in the current year relative to the granting of licenses for the sale of alcoholic beverages in said town; and the same was referred, under Rule 24, to the committee on Rules.

Papers from the Senate.

Ketamine,—substance control.

A Bill relative to class A controlled substances (Senate, No. 2222, 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 forthwith to provide that all forms of the controlled substance ketamine, a substance frequently used in the commission of sexual assault crimes, is classified as a Class A substance for the purposes of the commonwealth's controlled substances laws, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.") (on Senate, No. 745), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Springfield,—texting.

A petition (accompanied by bill, Senate, No. 2514) of Gale D. Candaras, Angelo J. Puppolo, Jr., and Brian M. Ashe (with the approval

of the mayor and city council) for legislation relative to texting while driving in the city of Springfield, was referred, in concurrence, to the committee on Transportation.

Reports of Committees.

By Mr. Finegold of Andover, for the committee on Telecommunications, Utilities and Energy, on Senate, No. 1527 and House, No. 3087, a Bill relative to the establishment of municipal lighting authorities (House, No. 4792). Municipal lighting.

By Ms. Stanley of West Newbury, for the committee on Health Care Financing, on so much of House, No. 4490 as relates to sections 24 to 31, inclusive, a Bill providing for job creation by small businesses (House, No. 4793) [Cost: Greater than $100,000.00]. Job creation.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Finegold of Andover, for the committee on Telecommunications, Utilities and Energy, on House, No. 3106, a Bill relative to cutting down, trimming or removing bushes and small trees (House, No. 4791). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Trees.

Ms. Stanley of West Newbury, for the committee on Health Care Financing, that the Bill relative to dementia patients in long-term care facilities (House, No. 4284) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4794) [Cost: Greater than $100,000.00]. Read; and referred, under Rule 33, to the committee on Ways and Means, with the amendment pending. Long-term care facilities.

By Ms. Stanley of West Newbury, for the committee on Health Care Financing, that the following matters ought to pass:

Bill making technical corrections to Chapter 530 of the 2008 session laws (printed as Senate, No. 804); and Dental hygienists.

Bill to modernize determination of need review for non-acute hospitals (printed as Senate, No. 853); and Non-acute hospitals.

Bill to streamline the physician credentialing process (House, No. 978, changed); and Physician credentialing.

Bill establishing a post employment benefits trust fund in the town of Wayland (House, No. 4319) [Local Approval Received]. Wayland,—trust fund.

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

Mr. Binienda of Worcester, for the committee on Rules, on the Order relative to authorizing the committee on State Administration and Regulatory Oversight to make an investigation and study of certain House documents concerning state administration and regulatory oversight (House, No. 4781) reported, in part, a Resolve declaring Chapter 397 of the Acts of 2008 "Darnell's Law" (House, No. 1139). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Darnell's law.

Cpl. Nicholas Xiarhos Bridge.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill designating a certain bridge as the United States Marine Corporal Nicholas G. Xiarhos Bridge (House, No. 4616), and recommending that the same be referred to the committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted.

Recesses.

Recesses.

At a quarter after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (Mr. Kafka of Stoughton being in the Chair), the House recessed until the hour of one o'clock P.M.; and at eight minutes after one o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

The House thereupon took a further recess, on motion of Mr. Peterson of Grafton, until the hour of two o'clock; and at eleven minutes after two o'clock the House was called to order with Mr. Petrolati in the Chair.

Engrossed Bill — State Loan.

Debt restructuring.

The engrossed Bill relative to debt restructuring (see House, No. 4617, 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 (state loan),— yea and nay No. 420.

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 134 members voted in the affirmative and 17 in the negative.

[See Yea and Nay No. 420 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.

Land parcels,— conveyance.

Mr. Murphy of Burlington, 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 2470) of the House Bill making appropriations for the fiscal year 2011 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 (House, No. 4601), reported, in part, a Bill authorizing the conveyance of certain parcels of land (House, No. 4801) [Fiscal note: $10,503,000.00]. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Mr. Murphy of Burlington then moved that the rules be suspended in order that the report might be considered forthwith.

On the motion to suspend the rules, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 132 members voted in the affirmative and 15 in the negative.

Rules suspended,—yea and nay No. 421.

[See Yea and Nay No. 421 in Supplement.]

Therefore the rules were suspended.

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

Emergency Measures.

The engrossed Bill designating a playground at the Marine Park in South Boston as the Michael Joyce Memorial Playground (see Senate, No. 2435), 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.

Michael Joyce Memorial Playground.

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 12 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 (Mr. Honan of Boston having been in the Chair) it was signed by the acting Speaker and sent to the Senate.

Bill enacted.

The engrossed Bill relative to assault and battery on health care providers (see House, No. 1696, 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.

Health care providers.

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 12 to 0. Sent to the Senate for concurrence.

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

Bill enacted.

The engrossed Bill establishing a sick leave bank for Thomas Troy, an employee of the Suffolk County sheriff's department (see House, No. 4530, 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.

Thomas Troy.

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 12 to 0. Sent to the Senate for concurrence.

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

Bill enacted.

Rick Leclair.

The engrossed Bill establishing a sick leave bank for Rick Leclair, an employee of the Department of Children and Families (see House, No. 4698, 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 11 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.

Land conveyances.

The engrossed Bill authorizing the conveyance of certain parcels of land (see House, No. 4801), 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 29 to 0. Sent to the Senate for concurrence.

Recesses.

At fourteen minutes after four o'clock P.M., on motion of Mr. Costello of Newburyport (Mr. Petrolati of Ludlow being in the Chair), the House recessed until ten minutes before five o'clock P.M.; and at thirteen minutes after five o'clock the House was called to order with Mr. Bradley of Hingham in the Chair.

On motion of Mr. Petrolati, the House thereupon took a further recess until half past five o'clock; and at a quarter before six o'clock the House was called to order by Mr. Bradley.

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

Bill enacted (land taking),— yea and nay No. 422.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 148 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 422 in Supplement.]

Therefore (Mr. Bradley of Hingham having been in the Chair) the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Report of a Committee.

Business and job growth.

Mr. Petrolati of Ludlow being in the Chair,— Mr. Binienda of Worcester, for the committee on Rules, reported (under the provisions of House Rules 7B and 7C) an Order relative to special procedures for consideration of further amendments offered to the recommended new text of the Senate Bill relative to business and job growth in the Commonwealth (Senate, No. 2380), or amendments offered to the House amended text to said bill (for order, see House, No. 4813); and the order was adopted.

Engrossed Bills.

Engrossed bills

Authorizing the town of Milton to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises of a certain restaurant (see Senate, No. 141, amended);

Bills enacted.

Relative to the financial condition of the city of North Adams (see Senate, No. 2442);

(Which severally originated in the Senate);

Amending the charter of the town of Millis to establish an appointed board of assessors (see House, No. 4473, amended);

Relative to floor finishing products (see House, No. 4565, amended);

Making a corrective change relative to the town of Millbury and payment of a certain bill (House, No. 4684); and

Relative to safe driving (see House, No. 4795);

(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.

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

The House Bill relative to the pooling of tips (House, No. 4324), 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 Ms. Forry of Boston.

Tips,—pooling.

Pending the question on passing the bill to be engrossed, Mr. Pedone of Worcester moved to amend it by substitution of a bill with the same title (House, No. 4814), which was read.

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

The House Bill relative to certain land in the town of Sherborn (see House bill printed in House, No. 4614) (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. Linsky of Natick; and it was passed to be engrossed. Sent to the Senate for concurrence.

Sherborn,—land.

The House Bill designating Eunice Kennedy Shriver Day (House, No. 4796), 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 Ms. Gregoire of Marlborough; and after remarks the bill was passed to be engrossed. Sent to the Senate for concurrence.

Eunice Kennedy Shriver Day.

The report (in part) of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment of the House Bill making appropriations for the fiscal year 2011 for the maintenance of the departments, boards, commission, institutions and

General Appropriation Bill.

General Appropriation Bill.

certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4800) was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Murphy of Burlington.

Pending the question on acceptance of the report, further consideration thereof was postponed, on further motion of the same member, until the hour of one o'clock P.M.

Subsequently, the certain recesses having terminated, the report was further considered.

Point of order.

Pending the question on acceptance of the report, Mr. Jones of North Reading raised a point of order that the report of the committee of conference was improperly before the House for the reason that under Joint Rule 11A, the committee has exceeded its authority by including matters not in disagreement and matters that were not referred to the committee.

Joint Rule 11A specifically states that "Matters on which there exists no disagreement between the branches shall not be disturbed by the committee on conference." Furthermore, this long established rule has been recognized by Speakers presiding over this House going back at least as far as 1900. Here, the report contains matters that were not in disagreement and the committee on conference has clearly disturbed these matters. There are numerous matters that were not in conference that were disturbed by the addition of a fund split.

Joint Rule 11A also states that the report shall be comprised of the "committee's recommendations with respect to the matters so referred". Committees on conference must confine their report to the matters referred to them. Here, the committee on conference inserted a number of matters, through outside sections, that were not only not in disagreement, but that did not originally appear in any form in either the House Engrossed or Senate Engrossed Budgets.". The applicable outside sections are sections 187, 190, 191, 192 and 197.

In answer to the point of order, the Chair (Mr. Petrolati) stated that because anticipated funds from the enhanced federal medical assistance percentage pursuant to an extension of the American Recovery and Reinvestment Act of 2009 are not available at this time to completely fund items within the budget that may, or may not, have been agreed to by both branches, it appears that the committee of conference, not being allowed to report appropriations lower than those approved by vote of each Chamber, had no alternative except the creation of such a fund in anticipation of those revenues being made available at a later time.

The Chair stated further that, additionally, since a precedent had been established in a ruling of the House from June 9, 1980, when, in answer to a point of order that certain language contained in the General Appropriation Bill for fiscal year 1981 was not a proper subject for the committee of conference, and that the inclusion of such language was in violation of rule, a Speaker of the House had ruled that the committee of conference had been given the task of solving certain problems concerning subjects contained within the bill, and was granted broad latitude in reaching an agreement satisfactory to both branches.

Consistent with the precedent established by the ruling of June 9, 1980, the Chair therefore ruled that the point of order was not well taken.

Mr. Jones thereupon appealed from the decision of the Chair; and the appeal was seconded by Mr. Peterson of Grafton.

Appeal from decision of Chair.

The question was then put "Shall the decision of the Chair stand as the judgment of the House?".

After debate on the question: "Shall the decision of the Chair stand as the judgment of the House?", the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 131 members voted in the affirmative and 18 in the negative.

Decision of Chair sustained,—yea and nay No. 423.

[See Yea and Nay No. 423 in Supplement.]

Therefore the decision of the Chair was sustained.

After debate on question on acceptance of the report, the sense of the House was taken by yeas and nays, at the request of Mr. Murphy of Burlington and on the roll call 121 members voted in the affirmative and 28 in the negative.

Conference committee report acepted,—yea and nay No. 424.

[See Yea and Nay No. 424 in Supplement.]

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

Suspension of Rule 1A.

Mrs. Haddad of Somerset then took the Chair and placed before the House the question on suspension of Rule 1A in order that the House might continue to meet beyond the hour of nine o'clock P.M.; and, there being no objection, Rule 1A was suspended.

Rule 1A suspended.

Recess.

At eight minutes before eight o'clock P.M., the Chair (Mrs. Haddad) declared a recess subject to the call of the Chair; and at twenty-four minutes after nine o'clock the House was called to order with Mr. Murphy of Burlington in the Chair.

Recess.

Emergency Measure.

The engrossed Bill making appropriations for the fiscal year 2011 for the maintenance of the departments, boards, commission, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4800), 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.

General Appropriation Bill.

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 2 to 0. Sent to the Senate for concurrence.

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

Bill enacted.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

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

Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at seventeen minutes before ten o'clock P.M., on motion of Mr. Peterson of Grafton (Mr. Murphy of Burlington being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.

Monday, June 28, 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.

Gracious God, from Whom all blessings flow, once again we begin this morning's legislative session with a prayer for guidance and with a moment for personal reflection. Your available assistance enables us to set correctly our priorities for the day and to give direction and meaning to our daily routine and responsibilities. Inspire us to offer You and our constituents who depend upon our mature, reasoned judgments, our sincere and best legislative efforts. This morning, we will stand for a moment of silence as we honor, remember and pay tribute to Representative Robert Nyman of the 5th Plymouth District, who died several days ago. We are grateful for his distinguished service in the House, his care for the people of his district and his graciousness and warm friendship which we enjoyed. May he rest in eternal peace in the kingdom of his God and Creator. May the Good Lord also grant strength, peace and courage to his wife and daughters.

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.

Silent Prayer.

Mr. Nyman of Hanover.

At the request of Speaker DeLeo of Winthrop, the members, guests and employees stood in a moment of silent tribute to the memory of Robert J. Nyman, a member of the House of Representatives from Hanover from 1999 to 2010, inclusive.

Special Report.

Dukes County Registry of Deeds.

A report from the Dukes County Registry of Deeds (pursuant to Section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure for technological improvements from the County Registers Technological Fund (copies of this report were referred to the committees on Post Audit and Oversight and Ways and Means, in accordance with said law), was placed on file.

Resolutions.

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

Northampton Lions Club.

Resolutions (filed by Mr. Kocot of Northampton) congratulating the Northampton Lions Club on the occasion of its seventy-fifth anniversary; and

Richard J. Kelliher.

Resolutions (filed by Mr. Smizik of Brookline) congratulating Richard J. Kelliher on the occasion of his retirement;

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. Smizik, 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.

Newbury,— fire department.

A petition (accompanied by bill, Senate, No. 2516) of Bruce E. Tarr and Harriett L. Stanley (by vote of the town) for legislation to provide for the establishment of a fire department in the town of Newbury, was referred, in concurrence, to the committee on Municipalities and Regional Government.

Condominium records.

A petition of Thomas P. Kennedy for legislation relative to record keeping for condominiums came from the Senate referred, under suspension of Joint Rule 12, to the committee on Housing.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2519) was referred, in concurrence, to the committee on Housing.

Reports of Committees.

By Mr. Binienda of Worcester, for the committees on Rules of the two branches, acting concurrently, asking to be discharged from further consideration

Health insurance.

Of the Bill to promote cost containment, transparency and efficiency in the provision of quality health insurance for individuals and small businesses (Senate, No. 2447);

International trade.

Of the Bill providing for the creation of a special commission relative to the impact on the Commonwealth of Massachusetts of the international trade and investment agreements (House, No. 341);

Middlesex Canal.

Of the Bill relative to the Middlesex Canal Commission (House, No. 784);

Water pipes, etc.

Of the Bill to establish the water infrastructure finance commission (House, No. 825);

Sex offenders.

Of the Bill creating a task force to study the use of the internet by sex offenders (House, No. 2235);

Safety agencies.

Of the Bill relative to establishing a commission to study the reorganization of municipal public safety agencies (House, No. 2236);

Fuel costs.

Of the Resolve providing for an investigation and study by a special commission relative to reducing fuel costs of cities and towns (House, No. 3129);

SAT scores.

Of the Resolve relative to improving SAT scores (House, No. 4644);

Lyme disease.

Of the Resolve relative to lyme disease and associated co-infections (House, No. 4480) [with the amendment previously recommended by the committee on Health Care Financing,— that the bill be amended by substitution of Bill relative to tick born illness (House, No. 4683),— pending]; and

Behavioral health medications.

Of the Resolve providing for an investigation and study by a special commission relative to the provisions of samples of behavioral health medications to individuals under the age of 18 years of age (House, No. 4723);

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.

By Ms. Wolf of Cambridge, for the committee on Elder Affairs, on Senate, No. 59 and House, No. 536, a Bill relative to assist families care for elders (House, No. 536). Elder family care.

By the same member, for the same committee, on Senate, No. 308 and House, No. 2737, a Bill relative to the calculation of income for spouses of nursing home residents (House, No. 2737). Nursing homes,—income calculation.

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

By Ms. Stanley of West Newbury, for the committee on Health Care Financing, that the Bill regulating pharmacy audits (Senate, No. 835) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4804) [Cost: Greater than $100,000.00]. Pharmacy audits.

By the same member, for the same committee, that the Bill establishing a board of registration in naturopathy (Senate, No. 889) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4807) [Cost: Greater than $100,000.00]. Naturopathy,—board.

By the same member, for the same committee, that the Bill improving the health of GIC population and reducing the cost of health care (Senate, No. 1180) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4808) [Cost: Greater than $100,000.00]. Group insurance population.

By the same member, for the same committee, that the Bill relative to surgical technology (Senate, No. 2340) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4809) [Cost: Greater than $100,000.00]. Surgical technology.

Severally read; and referred, under Rule 33, to the committee on Ways and Means, with the amendments pending.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on House, Nos. 243 and 2214, a Bill relative to regulating licensed pawnbrokers (House, No. 2214). Pawnbrokers.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a recommitted message, a Bill relative to reducing firearm violence (printed in House, No. 4102). Firearm violence.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Ms. Stanley of West Newbury, for the committee on Health Care Financing, that the Bill increasing access to affordable health insurance coverage (Senate, No. 455) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4799). Affordable health insurance.

By the same member, for the same committee, that the Bill relative to certified professional midwives and enhancing the practice of nurse-midwives (Senate, No. 2341) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4810). Midwives.

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

Economic development reorganization.

By Mr. Murphy of Burlington, for the committee on Ways and Means, on the Bill relative to economic development reorganization (Senate, No. 2380); the Bill relative to providing for job creation by small businesses (House, No. 4553); the Bill relative to providing for job creation by small businesses (House, No. 4629); and the Bill relative to establishing the Massachusetts growth capital corporation (House, No. 4705), reported recommending that the Bill relative to economic development reorganization (Senate, No. 2380) ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4820. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Emergency Measures.

Cohasset, etc.,—dispatch center.

The engrossed Bill establishing a regional public safety communications and dispatch center in the towns of Cohasset, Hingham, Hull and Norwell (see House, No. 4610), 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.

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.

School budgets.

The engrossed Bill relative to regional school district budgets (see House, No. 4775, amended), which had been returned to the House by His Excellency the Governor, with recommendation of amendment, having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 5 to 0. Sent to the Senate for concurrence.

Bill re-enacted.

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

Recess.

Recess.

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

Orders of the Day.

The House Bill relative to interior designers bidding on state contracts (House, No. 2999) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time. Third reading bill.

Pending the question on passing the bill to be engrossed, Mr. Kafka of Stoughton moved to amend it by striking out section 3 and inserting in place thereof the following section:

"SECTION 3. The first paragraph of section 38E of said chapter 7, as so appearing, is hereby amended by adding the following paragraph:—

(h) Interior designers may be eligible to compete for those projects where appropriate as the prime consultant. Eligible candidates shall hold a valid National Council for Interior Design Qualification certificate.".

The amendment was adopted; and the bill (House, No. 2999, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Orders.

An Order (filed this day by Mr. Binienda of Worcester) relative to extending until twelve o'clock noon on Tuesday, June 29, 2010, the time for filing amendments to the House text (see House document numbered 4820) of the Senate Bill relative to business and job growth in the Commonwealth (Senate, No. 2380), or amendments offered to the House amended text to said bill (for order, see House, No. 4813) was referred, under Rule 85, to the committee on Rules. Business and job growth.

The same member, for said committee, then reported recommending that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Kafka of Stoughton, the order was considered forthwith; and it was adopted.

On motion of Mr. DeLeo of Winthrop,—

Ordered, That when the House adjourns today, it adjourn to meet on Thursday next at four o'clock P.M. Next sitting.

At twenty-five minutes after one 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 four o'clock P.M., in an Informal Session.

Thursday, July 1, 2010.

Met according to adjournment, at four o'clock P.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).

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.

Silent Prayer.

Fall River,— Army Specialist Scott A. Andrews.

During the session, at the request of Representatives Sullivan of Fall River, Aguiar of Fall River and Rodrigues of Westport, the members guests and employees stood in a moment of silent tribute for Army Specialist Scott A. Andrews, formerly of Fall River, who was killed in action on June 22, 2010, in the Zabul province of Afghanistan by an enemy improvised explosive device. He is survived by his mother Jo-Ann Mello, father Alfred Andrews, and brothers Matthew and David.

Message from the Governor — General Appropriation Bill Returned with Disapprovals, Reductions and Amendments.

General Appropriation Bill,— disapprovals, reductions and amendments.

A message from His Excellency the Governor 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 2011 for the maintenance of the departments, board, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements [see House, No. 4800] (for message, see House, No. 4840), filed in the office of the Clerk on Wednesday, June 30, was read.

So much of the message as relates to the disapprovals and reductions was referred, under Rule 30, to the committee on Ways and Means.

So much of the message as relates to the sections returned with recommendation of amendments were referred, as follows:

Section 11 – Printed as House, No. 4830;
Section 26 – Printed as House, No. 4831;
Section 58 – Printed as House, No. 4832;
Section 116A – Printed as House, No. 4833;
Section 118 and 120 – Printed as House, No. 4834;
Section 129 – Printed as House, No. 4835;
Section 130 – Printed as House, No. 4836;
Section 159 – Printed as House, No. 4837;
Section 176 – Printed as House, No. 4838; and
Section 179 – Printed as House, No. 4839;

Severally, on motion of Mr. Pedone of Worcester, to the committee on Bills in the Third Reading.

Message from His Excellency the Governor.

A message from His Excellency the Governor submitting requests for making appropriations for the fiscal year 2011 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4841), was filed in the office of the Clerk on Wednesday, June 30.

Supplementary appropriations.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Ways and Means.

Appointments of the Minority Leader.

The Minority Leader announced that he had made the following appointments:

That Representative Hill of Ipswich had been appointed to the special commission established (under the provisions of Chapter 2 of the Resolves of 2010) for the purpose of making an investigation and study relative to the range of services and supports necessary for individuals with autistic spectrum disorders to achieve their full potential across their lifespan; and

Autistic spectrum disorder.

That Representative Frost of Auburn had replaced newly qualified Senator Ross, to serve as his designee to the special commission established (under the provisions of Chapter 7 of the Resolves of 2008) to study the economy in order to create and maintain quality jobs.

Economy,—quality jobs.

Resolutions.

Resolutions (filed with the Clerk by Mr. Sánchez of Boston) honoring Patrick Taylor on his many accomplishments as a recognized expert in biomedical research, were referred, under Rule 85, to the committee on Rules.

Patrick Taylor.

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

Petitions.

Mr. Hargraves of Groton presented a petition (accompanied by bill, House, No. 4846) of Robert S. Hargraves and Steven C. Panagiotakos (by vote of the town) that the Secretary of the Commonwealth be directed to place a certain question on the ballot in the town of Pepperell in the current year relative to the granting of licenses for the sale of alcoholic beverages in said town; and the same was referred to the committee on Election Laws. Sent to the Senate for concurrence.

Pepperell,—ballot question.

Mr. Straus of Mattapoisett presented a petition (subject to Joint Rule 12) of William M. Straus, Cory Atkins and others relative to corporate campaign contributions; and the same was referred, under Rule 24, to the committee on Rules.

Corporations,—campaign donations.

Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under sus-

pension of the rules, on motion of Mrs. Haddad of Somerset, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Election Laws. Sent to the Senate for concurrence.

Mattapoisett Valley,— water costs.

Mr. Straus of Mattapoisett presented a petition (subject to Joint Rule 12) of William M. Straus that the Mattapoisett River Valley Water Supply Protection Advisory Committee be authorized to impose certain costs on towns for withdrawing water from said river; and the same was referred, under Rule 24, to the committee on Rules.

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

Petitions severally were presented and referred as follows:

Lowell,— Hamilton Crossing.

By Mr. Nangle of Lowell, a petition (subject to Joint Rule 12) of David M. Nangle that the Division of Capital Asset Management and Maintenance be authorized to release certain property at "Hamilton Crossing" in the city of Lowell for the purpose of providing certain services within the Heritage State Park.

West Boylston,— easement.

By Representative O'Day of West Boylston and Senator Chandler, a joint petition (subject to Joint Rules 12 and 9) of James J. O'Day and Harriette L. Chandler relative to authorizing the Division of Capital Asset Management and Maintenance to grant an easement in certain land to the West Boylston Water District for the purpose of a public water supply.

John K. Ryan,— sick leave.

By Representative Poirier of North Attleborough and Senator Timilty, a joint petition (subject to Joint Rule 12) of Elizabeth A. Poirier and James E. Timilty relative to authorizing the Office of the Inspector General to establish a sick leave bank for John K. Ryan, an employee of said office.

Cheryl A. Cole,— sick leave.

By Mr. Smith of Everett, a petition (subject to Joint Rule 12) of Stephen Stat Smith that the Department of Health and Human Services be authorized to establish a sick leave bank for Cheryl A. Cole, an employee of said department.

Donald F. Johnson,— sick leave.

By Mr. Wallace of Boston, a petition (subject to Joint Rule 12) of Brian P. Wallace that the Department of Revenue be authorized to establish a sick leave bank for Donald F. Johnson, an employee of said department.

Severally, under Rule 24 to the committee on Rules.

Papers from the Senate.

Bristol County Agricultural School.

The House Bill authorizing the Bristol county commissioners to borrow money for the repair of sewer extension facilities at the Bristol County Agricultural High School (House, No. 4763), came from the Senate, passed to be engrossed, in concurrence, with an amendment 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 Bristol county commissioners to borrow money for the repair of sewer extension facilities at the Bristol County agricultural high school, 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 Mrs. Haddad of Somerset, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn, as changed) was considered forthwith; and it was adopted, in concurrence.

Organ and tissue donor fund.

A Bill establishing an organ and tissue donor registration fund (Senate, No. 2515, amended by striking out section 7 and inserting in place thereof the following section:

"SECTION 7. Section 12D of chapter 112 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:—

If a patient covered by MassHealth pursuant to chapter 118E is prescribed a narrow therapeutic index immunosuppressant drug for the treatment of an organ or tissue transplant, the pharmacist shall notify the prescribing physician if a substitution to a narrow therapeutic index immunosuppressant drug for the treatment of an organ or tissue transplant is made. For the purposes of this paragraph, 'narrow therapeutic index immunosuppressant drug' shall mean an immunosuppressant drug for the treatment of an organ or tissue transplant that has a narrow range in blood concentrations between efficacy and toxicity and requires therapeutic drug concentration or pharmacodynamic monitoring.") (on Senate bill No. 2338), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Reports of Committees.

Landscape architects,— licensure.

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 joint petition of Frank I. Smizik and Cynthia Stone Creem relative to the licensure of professional landscape architects. Under suspension of the rules, on motion of Mrs. Haddad of Somerset, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Consumer Protection and Professional Licensure. Sent to the Senate for concurrence.

Melrose,— Stone Place Limited.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill authorizing the city of Melrose to enter into a tax deferment agreement with Stone Place Limited Partnership (Senate, No. 2438), be scheduled for consideration by the House.

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

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

Alcoholic beverages wholesalers.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill further regulating unfair trade practices in the sale of alcoholic beverages to wholesalers (House, No. 4743), 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.

Medicaid coverage.

Report of the committee on Health Care Financing, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 1104) of Robert P. Spellane relative to improving access to coverage for Medicaid beneficiaries.

Under suspension of the rules, on a motion of Mr. Kafka of Stoughton, the report was considered forthwith; and pending the question on acceptance of the report, the petition was recommitted, on motion of Mr. Spellane of Worcester.

Provincetown,—Fisherman's Wharf.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, that the recommitted Bill regarding Fisherman's Wharf in the town of Provincetown (House, No. 800) ought to pass.

Employment agencies,—regulation.

By Ms. Coakley-Rivera of Springfield, for the committee on Labor and Workforce Development, that the recommitted Bill updating and streamlining the regulation of employment agencies (House, No. 4623) ought to pass.

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

Plumbing fixtures.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on House, No. 3653, a Bill relative to environmental performance standards for plumbing fixtures (House, No. 4815).

Behavior analysts,—licensure.

By the same member, for the same committee, on Senate, No. 47 and House, No. 181, a Bill relative to the licensure of applied behavior analysts (House, No. 4821).

Land,—protection.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on House, No. 4465, a Bill to ensure Article XCVII protections (House, No. 4826).

Groundwater levels.

By the same member, for the same committee, on House, No. 852, a Bill to protect groundwater levels (House, No. 4827).

Life insurance.

By Mr. Koutoujian of Waltham, for the committee on Financial Services, on House, No. 984, a Bill relative to life settlements and stranger-originated life insurance (House, No. 4824).

Workers' compensation rates.

By Ms. Coakley-Rivera of Springfield, for the committee on Labor and Workforce Development, on House, Nos. 1853 and 1864, a Bill relative to the competitive determination of workers' compensation insurance rates (House, No. 1864).

Boston,—land.

By Mr. Walsh of Lynn, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill authorizing the Division of Capital Asset Management and Maintenance to transfer care and control of certain land in Boston (House, No. 4778).

By the same member, for the same committee, on House, No. 4701, a Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land to the town of Tewksbury for recreational and open space purposes (House, No. 4822). Tewksbury,—land.

By the same member, for the same committee, on House, No. 4757, a Bill authorizing a ground lease of land owned by the Department of Conservation and Recreation for conservation and recreation purposes in the town of Hingham (House, No. 4823). Hingham,—land.

By Mr. Finegold of Andover, for the committee on Telecommunications, Utilities and Energy, on House, No. 1887, a Bill relating to the Pioneer Valley Energy Center (House, No. 4819). Pioneer Valley Energy Center.

By the same member, for the same committee, on House, No. 3124, a Bill relative to expanding energy efficiency in the Commonwealth (House, No. 4825). Energy efficiency.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on House, No. 4737, a Bill authorizing the town of Danvers to grant an additional license for the sale of wine and malt beverages (House, No. 4816) [Local Approval Received]. Danvers,—liquor license.

By the same member, for the same committee, on House, No. 4738, a Bill authorizing the town of Danvers to grant an additional license for the sale of wine and malt beverages (House, No. 4817) [Local Approval Received]. Id.

By the same member, for the same committee, on House, No. 4708, a Bill authorizing the town of Amesbury to grant additional licenses for the sale of all alcoholic beverages (House, No. 4818) [Local Approval Received]. Amesbury,—liquor license.

By Mr. Moran of Boston, for the committee on Election Laws, on a petition, a Bill placing a certain question on the ballot of the November 2010 state election in the town of Amesbury (House, No. 4772) [Local Approval Received]. Amesbury,—charter.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill authorizing the town of Winthrop and the Winthrop Housing Authority to grant certain easements for underground electric and intelligence transmission and distribution cables (House, No. 4766) [Local Approval Received]. Winthrop,—easements.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill to establish a sick leave bank for Susan Spera (House, No. 4717). Susan Spera,—sick leave.

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank (House, No. 4797). Maria Hudson,—sick leave.

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

Engrossed Bills.

The engrossed Bill validating the election of a charter commission in the city of Everett (see House, No. 4739) (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. Everett,—validating election.

Orders of the Day.

Third reading bill.

The House Bill relative to nurse anesthetists (House, No. 4593), 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.

Cohasset,—water supply land.

The House Bill authorizing the town of Cohasset to use a certain parcel of water supply land for general municipal purposes (House, No. 1132), 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 substitution of a bill with the same title (House, No. 4844), which was read.

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

Franklin,—charter.

The House Bill relative to the charter of the town of Franklin (House, No. 4652), 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 substitution of a bill with the same title (House, No. 4845), which was read.

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

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

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

At eleven minutes before five o'clock P.M., on motion of Mrs. Poirier of North Attleborough (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Tuesday at eleven o'clock A.M., in an Informal Session.

Tuesday, July 6, 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:

Eternal God, in Whom we place our trust and hope, in prayer we ask for Your guidance as we begin a new week of legislative session. May we always be aware of Your presence in our daily lives and Your concern for our material and spiritual well-being. In these uncertain political and economic times, inspire us to select priorities and goals which meet the present needs and concerns of the people and our communities. As we dialogue together in our search for answers to the many issues which we face as a society, teach us to seek and speak truth in addressing the legislative and administrative proposals which come before us. Help us to encourage all people to use their talents and intellectual gifts both for their own benefit and the common good of society and our communities. May the enthusiasm, ideals and the good will, which Independence Day generated around the country, remain with us throughout the year. Prayer.

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

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

Annual and Semi-Annual Reports.

Annual reports

Of the Division of Health Care Finance and Policy (under the provisions of Section 304 of Chapter 149 of the Acts of 2004) relative to employers who had fifty or more employees using MassHealth, Commonwealth Care, or the Uncompensated Care Pool/Health Safety Net during fiscal year 2009 (a copy was forwarded to the House and Senate committees on Ways and Means and the joint committees on Health Care [Financing] and Public Health, as required by said law); Health Care Finance and Policy.

Of MassDOT (under the provisions of Subsection (e) of Section 19 of Chapter 6A of the General Laws) relative to the integration and consolidation of information technology systems within said department for fiscal year 2009 (a copy was forwarded to the House and Senate committees on Ways and Means, the House and Senate committees on Bonding, Capital Expenditures and State Assets and the joint committee on Transportation, as required by said law); and MassDOT,—information technology.

The semi-annual report of the Structurally Deficient Bridge Improvement Program Coordination and Oversight Council (under the provisions of Section 16 of Chapter 233 of the Acts of 2008) for the period ending June 30, 2010 (a copy was forwarded to the House and Senate Structurally Deficient Bridge Council.

committees on Ways and Means, the House and Senate committees on Bonding, Capital Expenditures and State Assets and the joint committee on Transportation, as required by said act).

Severally were placed on file.

Petitions.

Petitions severally were presented and referred as follows:

Rehoboth,— liquor license.

By Representative D'Amico of Seekonk and Senator Timilty, a joint petition (accompanied by bill, House, No. 4847) of Steven J. D'Amico and James E. Timilty (by vote of the town) that the town of Rehoboth be authorized to issue a license for the sale of alcoholic beverages not to be drunk on the premises to The Wine Shack, LLC, d/b/a The Grapevine.

Bolton,— liquor license.

By Representative Hogan of Stow and Senator Flanagan, a joint petition (accompanied by bill, House, No. 4848) of Kate Hogan and Jennifer L. Flanagan (by vote of the town) that the town of Bolton be authorized to grant a license for the sale of alcoholic beverages to be drunk on the premises to Nashoba Valley Winery.

Severally to the committee on Consumer Protection and Professional Licensure.

Harvard,— elderly housing.

By Ms. Benson of Lunenburg, a petition (accompanied by bill, House, No. 4850) of Jennifer L. Flanagan and James B. Eldridge (by vote of the town) relative to the granting of an easement in the town of Harvard for the construction of housing for elderly persons.

North Adams,— finances.

By Representative Bosley of North Adams and Senator Downing, a joint petition (accompanied by bill, House, No. 4851) of Daniel E. Bosley and Benjamin B. Downing (with the approval of the mayor and city council) that the city of North Adams be authorized to use certain reserve funds for the reduction of debt in the current fiscal year.

Stoughton,— enterprise fund.

By Representatives Kafka of Stoughton and Galvin of Canton, a petition (accompanied by bill, House, No. 4852) of Louis L. Kafka and William C. Galvin (by vote of the town) for legislation to authorize the town of Stoughton to transfer certain excess funds from the public health enterprise fund to the stabilization fund of said town.

Severally to the committee on Municipalities and Regional Government.

Sharon,— police chief.

By Mr. Kafka of Stoughton, a petition (accompanied by bill, House, No. 4853) of Louis L. Kafka, James E. Timilty and Brian A. Joyce (by vote of the town) that the town of Sharon be authorized to exempt the position of deputy chief of police from the civil service law.

Whitman,— special police.

By Representative McCarthy of East Bridgewater and Senator Kennedy, a joint petition (accompanied by bill House, No. 4854) of Allen J. McCarthy and Thomas P. Kennedy (by vote of the town) for legislation to authorize the town of Whitman to appoint retired police officers for the purpose of performing special details.

Severally to the committee on Public Service.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

David L. Grafton.

By Ms. Clark of Melrose, a petition (subject to Joint Rule 12) of James M. Grafton and Richard R. Tisei relative to the eligibility of David L. Grafton for appointment to the position of fire fighter within the Commonwealth;

By Mr. Flynn of Bridgewater (by request), a petition (subject to Joint Rule 12) of Leo Harlow for legislation to require operators of motor vehicles to activate headlights during inclement weather conditions involving rain and snow; Inclement weather,— wipers.

By Mr. Flynn of Bridgewater (by request), a petition (subject to Joint Rule 12) of Michael Flashner that inmates of the Department of Correction be required to pass a general equivalency diploma test upon release from the custody of said department; Inmates,— diplomas.

By Mr. Guyer of Dalton, a petition (subject to Joint Rule 12) of Denis E. Guyer for legislation to further regulate bidding on publicly assisted energy projects; Energy projects,— public bidding.

By Mr. O'Flaherty of Chelsea, a petition (subject to Joint Rule 12) of Eugene L. O'Flaherty for legislation to further regulate the estate tax under the rules in the construction of wills and trusts; and Estate tax.

By Ms. Sandlin of Agawam, a petition (subject to Joint Rule 12) of Rosemary Sandlin (with the approval of the mayor and town council) for legislation to authorize the town of Agawam to regulate "drag racing" by motor vehicles within said town. Agawam,— drag racing.

Severally, under Rule 24 to the committee on Rules.

Papers from the Senate.

The House Bill establishing expanded gaming in the Commonwealth (House, No. 4619), came from the Senate with the endorsement that it had been passed to be engrossed, in concurrence, by said branch with amendments striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2530; and by inserting before the enacting clause the following emergency preamble: Expanded gaming.

"*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish and regulate forthwith gaming in the commonwealth, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.".

Under suspension of the rules, on motion of Mr. Dempsey of Haverhill, the amendments were considered forthwith. The House then non-concurred with the Senate in its amendments; and, on further motion of the same member, asked for a committee of conference on the disagreeing votes of the two branches. Representatives Dempsey, Reinstein of Revere and Frost of Auburn then were appointed the committee on the part of the House. Sent to the Senate to be joined. Committee of conference.

Subsequently the bill came from the Senate with the endorsement that said branch had insisted on its amendments, concurred with the House in the appointment of a committee of conference; and that Senators Rosenberg, Panagiotakos and Ross had been appointed the committee on the part of the Senate. Id.

A Bill authorizing the town of Wareham to issue eight (8) additional liquor licenses (Senate, No. 2520) (on Senate bill No. 2483) [Local Approval Received], passed to be engrossed by the Senate was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Wareham,— liquor licenses.

Reports of Committees.

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

Amesbury,—charter.

Placing a certain question on the ballot of the November 2010 state election in the town of Amesbury (House, No. 4772) [Local Approval Received];

Maria Hudson.

Establishing a sick leave bank (House, No. 4797); and

Amesbury,—liquor license.

Authorizing the town of Amesbury to grant additional licenses for the sale of all alcoholic beverages (House, No. 4818) [Local Approval Received].

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

Toxic chemicals.

Report of the committee on Environment, Natural Resources and Agriculture, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 757) of Jay R. Kaufman, William N. Brownsberger and others for legislation to promote safe alternatives to toxic chemicals;

Aquatic life,—protect.

Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 834) of James B. Eldridge, Frank I. Smizik and others relative to establishing standards for restoring and maintaining stream flows, water levels and hydrologic regimes that protect natural aquatic life in rivers and streams;

Eastern box turtle.

Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 3672) of Michael J. Rodrigues for an investigation by a special commission of the development, implementation and financing of a conservation management plan for the protection of the eastern box turtle; and

Department of Fisheries,—land.

Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 4167) of Cheryl A. Coakley-Rivera and others relative to projecting review or permit requirement upon certain land by the Department of Fisheries, Wildlife and Environmental Law Enforcement.

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. Pedone of Worcester.

Children, Families and Persons with Disabilities,—study.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on House, Nos. 136, 137, 145, 151, 154, 160, 161, 172, 175, 179, 189, 190, 3420, 3422, 3798 and 3857, an Order relative to authorizing the committee on Children, Families and Persons with Disabilities to make an investigation and study of certain House documents concerning children families and persons with disabilities (House, No. 4828).

Economic Development and Emerging Technologies,—study.

By Mr. Dempsey of Haverhill, for the committee on Economic Development and Emerging Technologies, on House, Nos. 329, 331, 332, 333, 335, 336, 338, 340, 342 and 3802, an Order relative to authorizing the committee on Economic Development and Emerging Technologies to make an investigation and study of certain House

documents relative to issues regarding economic development (House, No. 4842).

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.

School district regionalization.

By Mr. Binienda of Worcester, for the committees on Rules of the two branches, acting concurrently, that the Bill relative to school district regionalization (House, No. 4754) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Phillipston,—benefits.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill relative to the provision of health insurance and other benefits in the town of Phillipston (House, No. 4196) [Local Approval Received].

Firefighters,—re-training.

By the same member, for the same committee, on a petition, a Bill to re-train disabled firefighters (House, No. 4463).

Stanley Daoust,—retirement.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Lee to grant retirement benefits to Stanley Daoust (House, No. 4709) [Local Approval Received].

Richard D. Valcourt.

By the same member, for the same committee, on a petition, a Bill providing certain health insurance for Richard D. Valcourt (House, No. 4776).

Meghan Savage,—sick leave.

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for Meghan Savage (House, No. 4798).

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

Economic development,—reorganization.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill relative to economic development reorganization (Senate, No. 2380) ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4820.

Post-partum depression.

By the same member, for the same committee, that the Bill relative to post-partum depression (House, No. 4668) ought to pass with an amendment by substitution of a bill with the same title (House, No. 4859).

Organ and tissue donor fund.

By the same member, for the same committee, that the Senate Bill establishing an organ and tissue donor registration fund (Senate, No. 2515, 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 4860.

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendments pending. Mr. Kafka of Stoughton, for said committee, then reported that the matters be scheduled for consideration by the House.

Severally placed in the Orders of the Day for the next sitting for a second reading, with the amendments pending.

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

Fluid tanks.

Relative to certain tanks used for storage of fluids (Senate, No. 914); and

Mercury,—antiques.

Relative to the sale of antique barometers, thermometers and clocks (Senate, No. 2403);

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Mr. Kafka of Stoughton, for said committee reported, in each instance, that the matters be scheduled for consideration by the House.

Severally placed in the Orders of the Day for the next sitting for a second reading.

Youth development.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill improving coordination of the youth workforce development system in the Commonwealth (House, No. 4624) be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting, the question being on ordering the bill to a third reading, with an amendment (House, No. 4724) previously recommended by the committee on Labor and Workforce Development, pending.

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

Senate bills

Palmer,—ballot question.

Authorizing a certain question relative to a charter revision in the town of Palmer to be placed on the state election ballot (Senate, No. 2352) [Local Approval Received]; and

Athletics,—safety

Relating to safety regulations for school athletic programs (Senate, No. 2469); and

House bills

Guardians.

Further regulating the appointment of certain guardians (House, No. 1513);

Apprentices.

Relative to apprentice training (House, No. 4580);

Harwich,—revenue.

Establishing the Caleb Chase revenue account for the town of Harwich (House, No. 4587) [Local Approval Received];

Provincetown,—excise tax.

Relative to room occupancy excise tax in the town of Provincetown (House, No. 4653) [Local Approval Received];

Provincetown,—police.

Exempting all positions in the Provincetown police department from the civil service law (House, No. 4656) [Local Approval Received];

Westford,—liquor licenses.

Authorizing the town of Westford, acting by and through its conservation commission, to lease a certain parcel of land for camp purposes (House, No. 4662) [Local Approval Received];

Boston,—property lease.

Authorizing the city of Boston parks and recreation commission to lease certain real property under its control and owned by the city of Boston (House, No. 4663) [Local Approval Received];

Watertown,—library.

Providing for the leasing and construction of improvements to the North Branch Library and East Branch Library Buildings in the town of Watertown (House, No. 4667) [Local Approval Received];

Gardner,—conservation commission.

Authorizing the city of Gardner to convey certain land under the control of the Gardner Conservation Commission (House, No. 4679) [Local Approval Received];

Authorizing the town of Southbridge to match debt repayment for school projects to the retirement of other outstanding debt (House, No. 4695) [Local Approval Received]; Southbridge,—debt.

Establishing a linkage extraction program in the city of Everett (House, No. 4696) [Local Approval Received]; Everett,—linkage.

Authorizing the city of Everett to create an inspectional services department in the city of Everett (House, No. 4697) [Local Approval Received]; Everett,—inspections.

Authorizing the town of Sudbury to enter into or extend wireless facility contracts or leases for periods in excess of twenty years (House, No. 4715) [Local Approval Received]; Sudbury,—wireless leases.

Establishing a sick leave bank for Susan Spera (House, No. 4717); Susan Spera.

Authorizing the town of Sudbury to enter into long-term energy related leases/contracts including power purchase agreements (House, No. 4718) [Local Approval Received]; Sudbury,—purchasing.

Authorizing the town of Westborough to remove a condition of a full liquor license (House, No. 4735) [Local Approval Received]; Westborough,—liquor license.

Authorizing the town of Winthrop and the Winthrop Housing Authority to grant certain easements for underground electric and intelligence transmission and distribution cables (House, No. 4766) [Local Approval Received]; and Winthrop,—transmission lines.

Relative to cutting down, trimming or removing bushes and small trees (House, No. 4791); Tree trimming.

Severally placed in the Orders of the Day for the next sitting for a second reading.

Emergency Measure.

The engrossed Bill authorizing the Bristol County Commissioners to borrow money for the repair of sewer extension facilities at the Bristol County Agricultural High School (see House, No. 4763, 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. Bristol County Agricultural High School.

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 Bill.

The engrossed Bill authorizing the city of Melrose to enter into a tax deferment agreement with Stone Place Limited Partnership (see Senate, No. 2438) (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. Bill enacted.

Orders of the Day.

The Senate Bill requiring adequate education relative to the proper safety and operation of a motorcycle for minors (Senate, No. 2344, amended), 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. Sent to the Senate for concurrence in the amendment previously adopted by the House. Third reading bill.

Third reading bills and resolve.

Senate bills

Relative to a betterment assessment in the town of Sturbridge (Senate, No. 2043);

Exempting the position of fire chief in the city of Gloucester from the civil service law (Senate, No. 2102);

Authorizing the granting of easements and the conveyance of certain land in the town of Andover (Senate, No. 2154); and

Relative to the regulation of explosives (Senate, No. 2468) (its title having been changed by the committee on Bills in the Third Reading); and

The Senate Resolve reviving and continuing the special commission relative to the establishment of a cranberry heritage area (Senate, No. 1876);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

Third Reading bills.

House bills

Designating a portion of the Captain William K. Webb Memorial State Park as Marys' Point (House, No. 791) (its title having been changed by the committee on Bills in the Third Reading);

Requiring the posting of security for the seizure and impoundment of animals (House, No. 1969, changed);

Relative to the qualifications, service and salary of county managers (House, No. 1993) (its title having been changed by the committee on Bills in the Third Reading);

Establishing a shellfish mitigation receipts reserved for appropriation fund in the town of Dennis (House, No. 4245); and

Improving emergency access to mental health services (House, No. 4681);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

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

At twenty-two minutes before twelve o'clock noon, on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M.

Wednesday, July 7, 2010.

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

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

Prayer.

God, our Creator, we begin today's formal legislative session with a prayer which enables us to seek Your help during this day to reflect on spiritual values and to speak to You in our own words. Your words and Your ways give meaning and direction to us as we struggle with each day's stresses, schedules and obligations. We also pray for peace in our hearts and minds as we deal with each other and the difficult legislative issues which we face as elected leaders. We pray for Your gifts of knowledge to understand legislative items correctly and the gift of wisdom to make right decisions and choices. In our diverse communities teach us to respect the dignity and the human and religious rights of all so that we work together to build strong, peaceful and ethical communities.

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.

Statement Concerning Representative Khan of Newton.

A statement of Mrs. Haddad of Somerset concerning Ms. Khan of Newton was spread upon the records of the House, as follows:

Statement concerning Ms. Khan of Newton.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Ms. Khan of Newton, will not be present in the House Chamber for today's sitting due to her being in Ethiopia on a health and human services trip. If she were able to be present for the roll call on passing to be engrossed, in concurrence, the Senate Bill relative to economic development reorganization (Senate, No. 2380), she would have voted in the affirmative. Her missing of roll calls today and tomorrow will be due entirely to the reason stated.

Resolutions.

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

Stephen MacKay.

Resolutions (filed by Mr. Ayers of Quincy) recognizing Department of Conservation and Recreation Park Ranger Stephen MacKay for his heroic actions at Houghton's Pond in the Blue Hills Reservation;

Szawlowski Potato Farms.

Resolutions (filed by Messrs. Kocot of Northampton, Kulik of Worthington and Scibak of South Hadley) congratulating Szawlowski Potato Farms on the occasion of their one hundredth anniversary; and

Hillcrest Educational Centers.

Resolutions (filed by Messrs. Pignatelli of Lenox, Bosley of North Adams, Guyer of Dalton and Speranzo of Pittsfield) celebrating the twenty-fifth anniversary of Hillcrest Educational Centers;

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. Pedone of Worcester, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petition.

Mendon,—ballot question.

Representative Fernandes of Milford and Senator Moore presented a joint petition (accompanied by bill, House, No. 4849) of John V. Fernandes and Richard T. Moore (by vote of the town) for legislation to place on the ballot in the current year the filling of a vacancy on the board of selectmen in the town of Mendon; and the same was referred to the committee on Election Laws. Sent to the Senate for concurrence.

Papers from the Senate.

Auto owners,—right to repair.

The Senate Bill to protect motor vehicle owners' and independent repairers' right to repair (Senate, No. 2517, amended by adding the following section:

"SECTION 6. The attorney general shall promulgate rules and regulations to implement the provisions of this act.") (on Senate bill No. 2268), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Pathfinder Regional Vocational Technical High School District.

A petition of Stephen M. Brewer and Lewis G. Evangelidis for legislation to validate certain proceedings of the Pathfinder Regional Vocational High School District, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Education.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2536) was referred, in concurrence, to the committee on Education.

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 following petitions:

Dangerousness hearings.

Petition (accompanied by bill) of Karyn E. Polito, Bradley H. Jones, Jr. and others for legislation to require dangerousness hearings for defendants arrested in cases of sexual abuse of children.

Groveland and Rowley,—justices of the peace.

Petition (accompanied by bill) of Harriett L. Stanley and Michael A. Costello for legislation to authorize the Governor to designate additional justices of the peace in the towns of Groveland and Rowley.

Severally to the committee on the Judiciary.

John K. Ryan,—sick leave.

Petition (accompanied by bill) of Elizabeth Poirier and James E. Timilty relative to authorizing the Office of the Inspector General to establish a sick leave bank for John K. Ryan, an employee of said office. To the committee on the Public Service.

Under suspension of the rules, on motion of Mr. Costello of Newburyport, the reports were considered forthwith. Joint Rule 12 was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill authorizing the town of Wareham to issue eight (8) additional liquor licenses (Senate, No. 2520), be scheduled for consideration by the House.

Wareham,—liquor licenses.

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

A report of the committee on Health Care Financing, that the Bill relative to the registration of podiatrists (House, No. 2044) ought not to pass (under Joint Rule 10), was considered forthwith, under suspension of the rules, on motion of Ms. Stanley of West Newbury; and the bill was read.

Podiatrists,—regulate.

The question on rejection (under Joint Rule 10) then was negatived; and the bill was recommitted, on motion of the same member.

A report of the committee on Health Care Financing, that the Bill requiring the sterilization of musical instruments in schools (House, No. 4633) ought not to pass (under Joint Rule 10), was considered forthwith, under suspension of the rules, on motion of Ms. Stanley of West Newbury; and the bill was read.

Musical instruments,—sterilization.

The question on rejection (under Joint Rule 10) then was negatived; and the bill was recommitted, on motion of the same member.

By Ms. Walz of Boston, for the committee on Education, on House, Nos. 345, 346, 348, 349, 353, 358, 360, 362, 368, 372, 373, 380, 381, 382, 383, 386, 387, 390, 392, 393, 394, 401, 405, 416, 417, 418, 426, 427, 429, 430, 433, 434, 435, 438, 441, 445, 450, 451, 458, 459, 460, 461, 465, 469, 479, 484, 490, 491, 500, 504, 505, 506, 507, 508, 516, 517, 519, 522, 641, 3413, 3431, 3432, 3660, 3803, 3875, 3877, 3878, 4077, 4078, 4163 and 4166, an Order relative to authorizing the committee on Education to make an investigation and study of certain House documents concerning education issues (House, No. 4829).

Education,—study.

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 said 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.

By Ms. Walz of Boston, for the committee on Education, on House, Nos. 359, 361, 365, 366, 369, 376, 384, 389, 422, 442, 443, 444, 452, 453, 454, 462, 466, 477, 488, 489, 496, 509, 510, 511, 512, 514, 518, 520, 525, 526, 528, 530, 3548, and 3876, an Order relative to authorizing the committee on Education to make an investigation and study of certain House documents concerning education issues (House, No. 4855).

Id.

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 said

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.

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

House bills

Procurement.

Relative to public procurement (House, No. 12);

Inspector General.

Authorizing employees of the Inspector General's Office to participate in representative town meeting (House, No. 13);

Firefighters.

To re-train disabled firefighters (House, No. 4463);

Foxborough,—sewer act.

Amending and updating the Foxborough Sewer Act (House, No. 4680) [Local Approval Received];

Pittsfield,—licensing.

Relative to the composition of the licensing board for the city of Pittsfield (House, No. 4682) [Local Approval Received];

Meghan Savage.

Establishing a sick leave bank for Meghan Savage (House, No. 4798);

Danvers,—liquor license.

Authorizing the town of Danvers to grant an additional license for the sale of wine and malt beverages (House, No. 4816) [Local Approval Received];

Id.

Authorizing the town of Danvers to grant an additional license for the sale of wine and malt beverages (House, No. 4817) [Local Approval Received]; and

Darnell's law.

The House Resolve declaring Chapter 397 of the Acts of 2008 "Darnell's Law" (House, No. 1139).

Severally placed in the Orders of the Day for the next sitting for a second reading.

Emergency Measures.

Andover,—land.

The engrossed Bill authorizing the granting of easements and the conveyance of certain land in the town of Andover (see Senate, No. 2154) (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 13 to 0. Sent to the Senate for concurrence.

Subsequently (the noon recess having terminated), the Senate having concurred in adoption of the emergency preamble, the bill was put upon its final passage.

Bill enacted (land taking),—yea and nay No. 425.

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

[See Yea and Nay No. 425 in Supplement.]

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

Explosives,—regulation.

The engrossed Bill relative to the regulation of explosives (see Senate, No. 2468), 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 14 to 0. Sent to the Senate for concurrence.

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

Engrossed Bill.

The engrossed Bill authorizing the Bristol County Commissioners to borrow money for the repair of sewer extension facilities at the Bristol County Agricultural High School (see House, No. 4763, amended) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate. Bill enacted.

Engrossed Bills and Resolve.

Engrossed bills and resolve

Relative to a betterment assessment in the town of Sturbridge (see Senate, No. 2043); and Bills enacted.

Exempting the position of fire chief in the city of Gloucester from the civil service law (see Senate, No. 2102);

(Which severally originated in the Senate);

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.

The engrossed Resolve reviving and continuing the special commission relative to the establishment of a Cranberry Heritage Area (see Senate, No. 1876) (which originated in the Senate), having been certified by the Clerk to rightly and truly prepared for final passage, was passed; and it was signed by the acting Speaker and sent to the Senate. Resolve passed.

Recess.

At seven minutes after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at a quarter after one o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair. Recess.

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

The Senate Bill relative to economic development reorganization (Senate, No. 2380) was discharged from its position in the Orders of the Day and read a second time forthwith, under suspension of Rule 47, on motion of Mr. Dempsey of Haverhill. Economic development reorganization.

Economic development reorganization.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4820,— then was adopted; and after remarks the bill (Senate, No. 2380, 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.

Pending the question on passing the bill to be engrossed, as amended, in concurrence, Ms. Peisch of Wellesley moved to amend it by adding the following section:

"SECTION 135. Chapter 149 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after section 24K the following section:—

Section 24L. (a) As used in this section, the following words shall have the following meanings:

'Employee', an individual who is considered an employee under section 148B of chapter 149 of the General Laws.

'Employee noncompetition agreement', an agreement between an employer and employee, or otherwise arising out of an actual or expected employment relationship, under which the employee or expected employee agrees to any extent that he will not engage in activities directly or indirectly competitive with his employer after the employment relationship has been severed. Employee noncompetition agreements include forfeiture for competition agreements, but do not include either: (i) noncompetition agreements made in connection with the sale of a business, sale of assets of a business, or otherwise outside of the employment relationship; (ii) forfeiture agreements; or (iii) agreements by which an employee agrees to not reapply for employment to the same employer after termination of the employee.

'Forfeiture agreement', an agreement that imposes adverse financial consequences on a former employee as a result of the termination of an employment relationship, regardless of whether the employee engages in competitive activities following cessation of the employment relationship. Forfeiture agreements do not include forfeiture for competition agreements.

'Forfeiture for competition agreement', an agreement that imposes adverse financial consequences on a former employee as a result of the termination of an employment relationship if the employee engages in competitive activities.

'Inevitable disclosure doctrine', a doctrine by which, in the absence of an enforceable employee noncompetition agreement, a former employee may be prevented from working at a competitor based on the expectation that the employment would likely lead to the disclosure of a trade secret or confidential information of the employer.

'Restricted period', the period of time after employment during which an employee is restricted by an employee noncompetition agreement from engaging in activities competitive with his or her employer.

(b) To be valid and enforceable, an employee noncompetition agreement must meet the minimum requirements of subsections (i) through (iv) hereof and meet or be capable of being reformed to meet the minimum requirements in subsections (v) through (ix) hereof.

(i) The agreement must be in writing, in a separate document, and signed by the employer and employee.

(ii) The agreement must apply only to an employee whose average annualized federal gross income derived from the employer during the 3 years immediately prior to the employee's cessation of employment, or such shorter period if the employment was for less than 3 years, is greater than $75,000 plus $1,500 for each full year from the effective date of this section.

(iii) If the agreement is a condition of employment, the agreement together with an express statement that the agreement is a condition of employment must, to the extent reasonably feasible, be provided to the employee by the earlier of 7 business days before the commencement of the employee's employment or when any written offer of employment is first sent to the employee, provided that if an offer of employment is first communicated orally, the employee also must either: (A) simultaneously be informed that a noncompetition agreement will be a condition of employment or (B) receive the required written notification prior to tendering resignation from any then-current employment.

(iv) If the agreement is entered into after commencement of employment, it must be supported by reasonably adequate consideration, which consideration does not include the continuation of employment, and notice of the agreement must be provided at least 2 weeks before the agreement is to be effective. Consideration in the amount of 10 percent or more of the employee's then current annual compensation will be deemed presumptively reasonably adequate.

(v) The agreement must be necessary to protect 1 or more of the following legitimate business interests of the employer: (A) the employer's trade secrets, as that term in defined in section 30 of chapter 266, to which the employee had access while employed; (B) the employer's confidential information that otherwise would not qualify as a trade secret; and (C) the employer's goodwill.

(vi) The agreement must be reasonable in duration in relation to the interests served and the duration of actual employment, and in no event may the stated term exceed 1 year from the date of cessation of employment. A stated restricted period of no more than 6 months is presumptively reasonable. An agreement may permit the restricted period to be tolled by a court if the employee's breach of the employee noncompetition agreement was neither known to nor reasonably discoverable by the employer. Such tolling period will not count for purposes of the temporal standards specified herein.

(vii) The agreement must be reasonable in geographic reach in relation to the interests served. A geographic reach that is limited to only the geographic area in which the employee provided services or had a material presence or influence is presumptively reasonable.

(viii) The agreement must be reasonable in the scope of proscribed activities in relation to the interests served. A restriction on activities that protects a legitimate business interest and is limited to only the specific types of services provided by the employee at any time during no more than the last 2 years of employment is presumptively reasonable.

(viii) The agreement must be consonant with public policy.

Economic development reorganization.

(c) Notwithstanding anything to the contrary in this section, a court may, in its discretion, reform an employee noncompetition agreement so as to render it valid and enforceable.

(d) Notwithstanding anything to the contrary in this section, a court may decline to enforce some or all of the restrictions in an otherwise valid and enforceable employee noncompetition agreement: (1) in extraordinary circumstances; (2) where otherwise necessary to prevent injustice or an unduly harsh result; or (3) based on any other common law or statutory legal or equitable defense or doctrine, or on other equitable factors that would militate against enforcement.

(e) A court shall award the employee reasonable attorneys' fees and costs incurred in defending against the enforcement of any employee noncompetition agreement: (1) if the court declines to enforce a material restriction or reforms a restriction in material respect, unless the specific rejected or reformed restriction is presumptively reasonable as set forth above; or (2) if the court finds the employer to have acted in bad faith in connection with the enforcement of the employee noncompetition agreement. The entitlement to legal fees shall also apply to an employee who commences a lawsuit challenging his or her employee noncompetition agreement, provided that at least 2 business days prior to the filing of such lawsuit, the employee provided the former employer with specific measures that the employee would take to protect the employer's legitimate business interests, which measures are substantially adopted by a court as part of a hearing on preliminary injunctive relief. The entitlement to legal fees shall apply regardless of whether the employee pays the legal fees him or herself or if they are paid by another person or entity. A court may award attorneys' fees and costs at any time during the proceedings, including as part of a decision in connection with a preliminary injunction motion. Any such award of fees and costs shall be immediately due and payable to the employee. A court may require the employer, at any point, to post a bond or multiple bonds to cover any anticipated fees and costs.

(f) A court may award the former employer its reasonable attorneys' fees and costs permitted by contract or statute only if: (1) the employee noncompetition agreement was presumptively reasonable in duration, geographic reach, and scope of proscribed activities; (2) the employee noncompetition agreement was enforced by the court without substantial modification; and (3) the court finds that the employee engaged in bad faith conduct.

(g) The substantive, procedural, and remedial rights provided to the employee in this section are not subject to advance waiver.

(h) Except as expressly provided by this section, a person defending against or otherwise opposing the enforcement of an employee noncompetition agreement, including by way of challenging the waiver of a substantive, procedural or remedial right provided in this section, shall not be subject to any contractual penalty, requirement to indemnify, tender back or any other disadvantage imposed as a consequence of such defense or opposition, and shall continue to be entitled to the rest of the benefits flowing from the contract. Any contractual provision to the contrary is void.

(i) No choice of law provision that would have the effect of avoiding the requirements of this section will be enforceable if the employee is, and has been for at least 30 days, a resident of or working in Massachusetts at the time of his or her termination of employment. This provision may not be avoided by an involuntary transfer of the employee out of Massachusetts.

(j) Forfeiture agreements otherwise permitted by law are enforceable only if and to the extent that: (1) they comply with subsections (b)(i) through (b)(iii) and (2) the forfeiture is directly and reasonably related to the harm caused to the employer by the employee's departure, provided that such harm threatens the continued viability of the employer. Any harm that may result from increased competition or the replacement of the employee is not considered harm for purposes of this subsection.

(k) This section may expand, but shall not narrow, the prohibitions imposed by: (1) sections 12X, 74D, 129B, or 135C of chapter 112; (2) section 186 of chapter 149; or (3) applicable industry or other regulation or rules.

(l) Nothing in this section shall expand or restrict the right of any person to protect trade secrets or other confidential information by injunction or any other lawful means under other applicable laws or agreements. Notwithstanding the forgoing, the inevitable disclosure doctrine is rejected and shall not be utilized, although an employee who has disclosed trade secrets or other confidential information belonging to his or her prior employer may be enjoined in any respect that a court of competent jurisdiction deems appropriate.

(m) This section shall not apply to or alter existing law concerning: (1) covenants not to solicit employees of the employer; (2) covenants not to solicit or transact business with customers of the employer; (3) restrictive covenants made in connection with the sale of a business or the assets of a business; (4) agreements by which an employee agrees to not reapply to the same employer after termination of employment; or (5) the payment of wages.

(n) This section shall not apply to employee noncompetition agreements entered into before January 1, 2011.".

The amendment was rejected.

Mr. Guyer of Dalton then moved to amend the bill by adding the following five sections:

"SECTION 135. Section 56C of Chapter 164 of the General Laws as appearing in the 2008 Official Edition is hereby amended by striking out in line 17, the words 'ten nor more than one hundred', and inserting in the place thereof the following:— five hundred nor more than ten thousand.

SECTION 136. Section 56D of said Chapter 164 as so appearing, is hereby amended by striking in its entirety, and inserting in the place thereof the following:— Any contract entered into by any municipal lighting plant, or municipal lighting plant cooperative, for the construction of a lighting facility, shall be procured using the provisions of chapter 30B, and preference shall be given to corporations based in Massachusetts.

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SECTION 137. The General Laws are hereby amended by inserting the following chapter:—

CHAPTER 164C.
PUBLICLY-ASSISTED ENERGY
CORPORATIONS PROCUREMENT.

Section 1. An energy corporation, hereafter known as a corporation, constructing an energy facility, any plant or equipment used to produce, manufacture, or otherwise generate electricity, any ancillary facilities such as roadways, transmission or distribution lines, substations and any other buildings, structures or equipment whose primary purpose is to support the generation and delivery of electricity, which derives at least 10% of project funding from any state or municipal assistance, including but not limited to grants, tax credits, or appropriations, shall be required to comply with the provisions of this section.

Section 2. As used in this chapter, the following words shall, unless the context clearly requires otherwise have the following meanings:

'Corporation', any corporation, cooperative, or individual constructing an energy facility which derives at least 10% of project funding from any state assistance, including but not limited to grants, tax credits, or appropriations

Section 3. A corporation shall maintain a file on each contract for the purchase of any contract related to an assisted energy facility, in the amount of five thousand dollars or more, shall include in such file a copy of all written documents related to said contract. Written documents required by this chapter shall be retained by the corporation for at least six years from the date of final payment under the contract, and the records shall be open to public inspection.

(a) For the procurement of a supply or service in the amount of $5,000 or greater, but less than $25,000, a corporation shall seek written or oral quotations from no fewer than three persons customarily providing such supply or service. The corporation shall record the names and addresses of all persons from whom quotations were sought, the names of the persons submitting quotations and the date and amount of each quotation. A corporation may require that procurements in amounts of less than $25,000 be based on written quotations or be subject to the provisions of section five.

(b) The corporation shall award the contract to the responsible person offering the needed quality of supply or service at the lowest quotation.

(c) A procurement in the amount of less than $5,000 shall be obtained through the exercise of sound business practices.

Section 4. (a) Except as permitted under section five or section seven, award of procurement contracts in the amount of $25,000 or more, other than contracts for the procurement of real property, shall conform to the competitive sealed bidding procedures set forth in this section.

(b) A corporation shall issue an invitation for bids for a procurement contract. The invitation for bids shall include:

(1) the time and date for receipt of bids, the address of the office to which bids are to be delivered, the maximum time for bid acceptance by the corporation;

(2) the purchase description and all evaluation criteria to be utilized pursuant to paragraph (e); and

(3) all contractual terms and conditions applicable to the procurement.

The invitation for bids may incorporate documents by reference; provided, however, that the invitation for bids specifies where prospective bidders may obtain the documents. The procurement officer shall make copies of the invitation for bids available to all persons on an equal basis.

(c) The procurement officer shall give public notice of the invitation for bids a reasonable time prior to the date for the opening of bids. The notice shall:

(1) indicate where, when and for how long invitations for bids may be obtained;

(2) describe the supply or service desired;

(3) if award of the contract is subject to the approval of any board, committee, commission or other body, so state and identify each such body;

(4) remain posted, for at least two weeks, in a conspicuous place in or near the offices of the corporation until the time specified in the invitation for bids; and

(5) be published at least once, not less than two weeks prior to the time specified for the receipt of bids, in a newspaper of general circulation within the area served by the corporation.

The corporation may distribute copies of the notice to prospective bidders, and may compile and maintain lists of prospective bidders to which notices may be sent.

(6) shall state that preference shall be given to Massachusetts corporations

(d) A representative appointed by the corporation shall open bids publicly in the presence of one or more witnesses, and the representative and said witnesses shall sign a statement under penalties of perjury listing the names of all bidders and the amounts of their bids and declaring that said list is a complete and accurate list of bids opened in the presence of said witnesses. Such statement, or a certified copy thereof, shall be filed with the contract.

(e) The corporation shall evaluate a bid based solely on the requirements and criteria set forth in the invitation for bids. Such criteria shall include the standards by which the procurement officer will determine acceptability as to quality, workmanship, results of inspections and tests, and suitability for a particular purpose.

(f) The corporation shall unconditionally accept a bid without alteration or correction, except as provided in this paragraph. A bidder may correct, modify, or withdraw a bid by written notice received in the office designated in the invitation for bids prior to the time and date set for the bid opening. After bid opening, a bidder may not change the price or any other provision of the bid in a manner prejudicial to the interests of the corporation or fair competition. The corporation shall waive minor informalities or allow the bidder to correct them. If a mistake and the intended bid are clearly evident on the face of the bid document, the corporation shall correct the mistake to reflect the intended correct bid and so notify the bidder in writing, and the bidder may not withdraw the bid. A bidder may withdraw a bid if a mistake is clearly

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evident on the face of the bid document but the intended correct bid is not similarly evident.

(g) The corporation shall award the contract to the lowest responsible and responsive bidder. A contract requiring payment to the corporation of a net monetary amount shall be awarded to the highest responsible and responsive bidder. The corporation shall award the contract by written notice to the selected bidder within the time for acceptance specified in the invitation for bids. The time for acceptance may be extended for up to 45 days by mutual agreement between the corporation and the apparent lowest responsible and responsive bidder or, for a contract requiring payment to the corporation, by mutual agreement between the corporation and the highest apparent responsible and responsive bidder.

Section 5. (a) A corporation may enter into procurement contracts in the amount of $25,000 or more utilizing competitive sealed proposals, in accordance with the provisions of this section. The corporation shall not solicit competitive sealed proposals unless he has determined in writing that selection of the most advantageous offer requires comparative judgments of factors in addition to price, specifying the reasons for his determination.

(b) The corporation shall solicit proposals through a request for proposals. The request for proposals shall include:

(1) the time and date for receipt of proposals, the address of the office to which the proposals are to be delivered, the maximum time for proposal acceptance by the corporation;

(2) the purchase description and all evaluation criteria that will be utilized pursuant to paragraph (e); and

(3) all contractual terms and conditions applicable to the procurement provided that the contract may incorporate by reference a plan submitted by the selected offeror for providing the required supplies or services.

The request for proposals may incorporate documents by reference; provided, however, that the request for proposals specifies where prospective offerors may obtain the documents. The request for proposals shall provide for the separate submission of price, and shall indicate when and how the offerors shall submit the price. The chief procurement officer shall make copies of the request for proposals available to all persons on an equal basis.

(c) Public notice of the request for proposals shall conform to the procedures set forth in paragraph (c) of section five.

(d) The corporation shall open the proposals publicly. Notwithstanding the provisions of section seven of chapter four, until the completion of the evaluations, or until the time for acceptance specified in the request for proposals, whichever occurs earlier, the contents of the proposals shall remain confidential and shall not be disclosed to competing offerors. At the opening of proposals the corporation shall prepare a register of proposals which shall include the name of each offeror and the number of modifications, if any, received. The register of proposals shall be open for public inspection. The corporation may open the price proposals at a later time, and shall open the price proposals so as to avoid disclosure to the individuals evaluating the proposals on the basis of criteria other than price.

(e) The corporation shall designate the individual or individuals responsible for the evaluation of the proposals on the basis of criteria other than price. The designated individuals shall prepare their evaluations based solely on the criteria set forth in the request for proposals. Such criteria shall include all standards by which acceptability will be determined as to quality, workmanship, results of inspections and tests, and suitability for a particular purpose, and shall also include all other performance measures that will be utilized. The evaluations shall specify in writing:

(1) for each evaluation criterion, a rating of each proposal as highly advantageous, advantageous, not advantageous, or unacceptable, and the reasons for the rating;

(2) a composite rating for each proposal, and the reasons for the rating; and

(3) revisions, if any, to each proposed plan for providing the required supplies or services which should be obtained by negotiation prior to awarding the contract to the offeror of the proposal.

(f) A proposal may be corrected, modified or withdrawn to the extent provided in paragraph (f) of section five.

(g) The corporation shall determine the most advantageous proposal from a responsible and responsive offeror taking into consideration price and the evaluation criteria set forth in the request for proposals. The corporation shall award the contract by written notice to the selected offeror within the time for acceptance specified in the request for proposals. The parties may extend the time for acceptance by mutual agreement. The corporation may condition an award on successful negotiation of the revisions specified in the evaluation, and shall explain in writing the reasons for omitting any such revision from a plan incorporated by reference in the contract.

(h) If the corporation awards the contract to an offeror who did not submit the lowest price, the corporation shall explain the reasons for the award in writing, specifying in reasonable detail the basis for determining that the quality of supplies or services under the contract will not exceed the corporation's actual needs.

(i) If a contract requiring payment to the corporation of a net monetary sum is awarded to an offeror who did not submit the highest price, the corporation shall explain the reasons for the award in writing as set forth in paragraph (h).

Section 6. Whenever the time required to comply with a requirement of this chapter would endanger the health or safety of the corporation or their assisted property a corporation may make an emergency procurement without following that requirement. An emergency procurement shall be limited to only supplies or services necessary to meet the emergency and shall conform to the requirements of this chapter to the extent practicable under the circumstances. The procurement officer shall make a record of each emergency as soon after the procurement as practicable, specifying each contractor's name, the amount and the type of each contract, a listing of the supply or service provided under each contract, and the basis for determining the need for an emergency procurement.

The corporation shall submit a copy of this record at the earliest possible time to the state secretary for placement in any publication

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established by the state secretary for the advertisement of procurements.

Section 7. A person submitting a bid or a proposal for the procurement or disposal of supplies or services to any corporation shall certify in writing, on the bid or proposal, as follows:

The undersigned certifies under penalties of perjury that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word 'person' shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

_____

(Signature of individual submitting bid or proposal)

_____

(Name of business)

Section 8. No person shall cause or conspire to cause the splitting or division of any procurement, specification, invitation for bids, request for proposals, proposal, solicitation, or quotation for the purpose of evading a requirement of this chapter.

Section 9. (a) Unless otherwise provided by law and subject to paragraph (b), a corporation may enter into a contract for any period of time which serves the best interests of the corporation; provided, however, that the corporation shall include in the solicitation the term of the contract and conditions of renewal, extension or purchase, if any. The corporation shall not enter into a contract unless funds are available for the first year at the time of contracting. Payment and performance obligations for succeeding years shall depend on the availability and appropriation of funds.

(b) The invitation for bids, request for proposals, or other solicitation of any contract for a term exceeding one year, including a renewal, extension or option, shall state, in addition to the other information required by this chapter:

(1) the amount of supplies or services required for the proposed contract period, and whether such amount is the actual amount required or an estimate;

(2) that the bidder or offeror shall give a unit price for each supply or service, and that the unit price shall remain the same throughout the contract, except to the extent that the solicitation and resulting contract provides for price adjustments;

(3) that the corporation shall cancel the contract if funds are not appropriated or otherwise made available to support continuation of performance in any year succeeding the first year;

(4) whether the bidder or offeror shall submit prices for:

(i) the first year only;

(ii) the entire time of performance only; or

(iii) both the first year and the entire time of performance; and

(5) how the award will be determined, including, if the contractor submits prices for the first year and the entire time of performance, how the prices will be compared.

When a contract is to contain an option for renewal, extension, or purchase, the solicitation shall include notice of the provision. The corporation shall retain sole discretion in exercising the option, and no exercise of an option shall be subject to agreement or acceptance by the contractor.

(c) When funds are not available to support continuation of performance in a subsequent year, the procurement officer shall cancel the contract.

(d) The corporation shall not exercise an option for renewal, extension or purchase unless the corporation, after reasonable investigation of costs and benefits, has determined in writing that the exercise of the option is more advantageous than alternate means of procuring comparable supplies or services.

Section 10. The corporation may increase the quantity of supplies or services or both specified in a contract provided:

(1) the unit prices remain the same or less;

(2) the procurement officer has specified in writing that an increase is necessary to fulfill the actual needs of the corporation and is more economical and practical than awarding another contract;

(3) the parties agree to the increase in writing; and

(4) the increase in the total contract price does not exceed 25 per cent but a contract for the purchase of gasoline, special fuel, fuel oil, or other ice and snow control supplies shall not be subject to this limit; and

(5) the corporation, with the agreement of the contractor, may reduce the unit price for supplies or services or both specified in a contract to be paid by the corporation at any time during the term of the contract or when an option to renew, extend or purchase is exercised.

Section 11. Unless no other manner of description suffices, and the corporation so determines in writing, setting forth the basis for the determination, all specifications shall be written in a manner which describes the requirements to be met without having the effect of exclusively requiring a proprietary supply or service, or a procurement from a sole source.

Section 12. (a) A corporation shall dispose of a tangible supply, no longer useful to the corporation but having resale or salvage value, in accordance with this section. This section does not apply to the disposal of assisted real property.

(b) The corporation shall offer such supply through competitive sealed bids, public auction, or established markets.

(c) Notice of sale by bid or auction shall conform with the procedures set forth in paragraph (c) of section four. The notice shall indicate the supply offered for sale, designate the location and method for inspection of such supply, state the terms and conditions of sale including the place, date and time for the bid opening or auction, and state that the corporation retains the right to reject any and all bids.

(d) If the corporation rejects the bid of the highest responsive bidder, the corporation may:

(1) negotiate a sale of such supply so long as the negotiated sale price is higher than the bid price; or

(2) resolicit bids.

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(e) A corporation may trade-in a supply listed for trade-in in the invitation for bids or request for proposals.

(f) For a supply with an estimated net value of less than $5,000, the corporation shall dispose of such supply using written procedures approved by the corporation.

(g) Notwithstanding any other requirement of this section, a corporation may by majority vote, unless otherwise prohibited by law, dispose of a tangible supply no longer useful to the corporation but having resale or salvage value, at less than the fair market value to a charitable organization which has received a tax exemption from the United States by reason of its charitable nature.

Section 13. (a) If a corporation duly authorized by general or special law to engage in such transaction determines that it shall rent, convey, or otherwise dispose of real property, the corporation shall declare the property available for disposition and shall specify the restrictions, if any, that it will place on the subsequent use of the property.

(b) The corporation shall determine the value of the property through procedures customarily accepted by the appraising profession as valid.

(c) A corporation shall solicit proposals prior to:

(1) acquiring by purchase or rental real property or an interest therein from any person at a cost exceeding twenty-five thousand dollars; or

(2) disposing of, by sale or rental to any person, real property or any interest therein, determined in accordance with paragraph (b) to exceed twenty-five thousand dollars in value.

(d) The corporation shall place an advertisement inviting the submission of proposals in a newspaper with a circulation in the locality sufficient to inform the people of the affected locality. The corporation shall publish the advertisement at least once a week for two consecutive weeks. The last publication shall occur at least eight days preceding the day for opening proposals. The advertisement shall specify the geographical area, terms and requirements of the proposed transaction, and the time and place for the submission of proposals. In the case of the acquisition or disposition of more than twenty-five hundred square feet of real property, the corporation shall also cause such advertisement to be published, at least thirty days before the opening of proposals, in the central register published by the state secretary pursuant to section twenty A of chapter nine.

(e) The corporation may shorten or waive the advertising requirement if:

(1) the corporation determines that an emergency exists and the time required to comply with the requirements would endanger the health or safety of the people or their assisted property; provided, however, that the corporation shall state the reasons for declaring the emergency in the central register at the earliest opportunity; or

(2) in the case of a proposed acquisition, the corporation determines in writing that advertising will not benefit the corporation's interest because of the unique qualities or location of the assisted property needed. The determination shall specify the manner in which the assisted property proposed for acquisition satisfies the unique requirements. The corporation shall publish the determination and the reasons

for the determination, along with the names of the parties having a beneficial interest in the property pursuant to section forty J of chapter seven, the location and size of the assisted property, and the proposed purchase price or rental terms, in the central register not less than thirty days before the corporation executes a binding agreement to acquire the assisted property.

(f) Proposals shall be opened publicly at the time and place designated in the advertisement. The corporation shall submit the name of the person selected as party to a real property transaction, and the amount of the transaction, to the state secretary for publication in the central register.

(g) If the corporation decides to dispose of assisted property at a price less than the value as determined pursuant to paragraph (b), the corporation shall publish notice of its decision in the central register, explaining the reasons for its decision and disclosing the difference between such value and the price to be received.

Section 14. (a) All contracts in the amount of five thousand dollars or more shall be in writing, and the corporation shall make no payment for a supply or service rendered prior to the execution of such contract.

(b) A person who causes or conspires with another to cause a contract to be solicited or awarded in violation of a provision of this chapter shall forfeit and pay to the appropriate corporation a sum of not more than twenty thousand dollars for each violation. In addition, the person shall pay double the amount of damages sustained by the corporation by reason of the violation, together with the costs of any action. If more than one person participates in the violation, the damages and costs may be apportioned among them.

(c) The inspector general shall have authority to institute a civil action to enforce paragraph (b) if authorized by the attorney general.

SECTION 138. Section 19 of Chapter 775 of the Acts of 1975 is hereby amended by striking subsection (f) and inserting in the place thereof the following subsection:

(f) Wherever the corporation has primary responsibility for the construction or operation of any electric power facility within the commonwealth, no contract for construction, reconstruction, alteration, remodeling repair or demolition of the facility or equipment, supplies or materials for the facility, except in cases of special emergency involving the health, safety or welfare of the people or their property, shall be awarded unless proposals for the same have been invited by advertisement in a newspaper published in the city of Boston, as well as a newspaper published in the county of said facility, such publication to be at least one week before the time specified for the opening of said proposals. Such advertisements shall state the time and place for opening the proposals in answer to said advertisement, and shall require the company to select the lowest qualified proposal, with preference to companies based in Massachusetts. All such proposals shall be opened in public. No bid or contract shall be split or divided for the purpose of evading these requirements.

Sections twenty-six to twenty-nine, inclusive, and sections forty-four A to forty-four L, inclusive, of chapter one hundred and forty-nine and sections thirty-nine F to thirty-nine N, inclusive, of chapter thirty of the General Laws shall apply to the corporation.

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SECTION 139. Chapter 535 of the Acts of 2008 is hereby amended by striking Section 9.”.

The amendment was rejected.

Mr. Straus of Mattapoisett then moved to amend the bill by striking out section 55; and the amendment was adopted.

Representatives Balser of Newton and Khan of Newton then moved to amend the bill by adding the following section:

“SECTION 135. There shall be a commission to study the feasibility of establishing a bank owned by the commonwealth or by a public authority constituted by the commonwealth.

(b) The commission shall consist of the secretary for administration and finance and the secretary of housing and economic development or their respective designees, who shall serve as co-chairs of the commission; the state treasurer or the treasurer’s designee; the state comptroller or the comptroller’s designee; 2 persons to be appointed by the president of the senate, 1 of whom shall be a member of the senate; 1 person to be appointed by the minority leader of the senate; 2 persons to be appointed by the speaker of the house of representatives; 1 of whom shall be a member of the house of representatives; 1 person to be appointed by the minority leader of the house; the executive directors of the Massachusetts Development Financing Agency and the Massachusetts Housing Finance Agency or their designees; president of the Massachusetts Growth Capital Corporation or the president’s; and 8 persons to be appointed by the governor who shall not be employees of the executive branch, 3 of whom shall be drawn from a list of 5 names submitted by the Massachusetts Bankers Association, at least 1 of whom shall be a representative of a community bank operating in the commonwealth, 1 of whom shall be drawn from a list of 3 names submitted by the Associated Industries of Massachusetts, 1 of whom shall be drawn from a list of 3 names submitted by the Small Business Association of New England and 1 of whom shall be a professor at an institution of higher education in the commonwealth who has researched and published articles on banking. Of the governor’s remaining appointments, not more than 1 may be a representative of a financial services firm located in the commonwealth. The governor shall ensure geographic diversity in the governor’s appointments to the commission. The members of the commission shall be appointed not later 90 days after the effective date of this act.

(c) The commission shall examine the technical, legal and financial feasibility of establishing a commonwealth-owned bank, including but not limited to a commonwealth-owned bank for infrastructure investment purposes. The commission shall seek participation in its deliberations from the president of the Federal Reserve Bank of Boston or the president’s designee. The commission shall evaluate the experiences of other states with state-owned banks, identifying the financial performance of such banks and evaluating the lending practices of such banks to show whether such banks successfully fill lending gaps not filled by the private sector. The commission shall also evaluate the manner in which public funds are invested or deposited by the commonwealth and its political subdivisions including funds managed by the state treasurer; the Massachusetts Municipal Depository Trust and state and local pension funds. The commission shall examine the infra-

structure investment activities conducted by other states with state-owned banks. The commission shall also examine the lending practices, including lending to support infrastructure, of the existing public agencies in the commonwealth that perform lending services. The Massachusetts development finance agency, Massachusetts Housing Finance Agency, Health and Educational Facilities Authority, Massachusetts Growth Capital Corporation and any other public authority in the commonwealth that lends money shall cooperate fully with the commission and shall supply information reasonably required by the commission to carry out its charge.

(d) The commission shall hold at least 3 public hearings in distinct geographic regions of the commonwealth.

(e) The commission shall publish its findings and recommendations, together with drafts of legislation, if any, necessary to carry those recommendations into effect, in a written report not later than 1 year after the effective date of this act. The report shall be published on the official website of the commonwealth, and shall be contemporaneously filed with the house and senate committees on ways and means and the house and senate chairs of the joint committee on financial services.".

The amendment was rejected.

Ms. Walz of Boston and other members then moved to amend the bill by inserting the following section:

"SECTION 135. There is hereby established a Special Commission to develop an Index of Creative and Innovative Education in the Commonwealth's Public Schools. The commission membership shall include: 5 members to be appointed by the governor and who shall reside in different geographic regions of the Commonwealth, 1 of whom shall be a representative of the Massachusetts Advocates for the Arts, Sciences and Humanities, 1 of whom shall be a representative of the Associated Industries of Massachusetts, 1 of whom shall be a representative of the Massachusetts Business Roundtable; the secretary of education, or a designee; the secretary of housing and economic development, or a designee; the secretary of labor and workforce development, or a designee; 3 members to be appointed by the president of the senate and who shall reside in different geographic regions of the Commonwealth; 3 members to be appointed by the speaker of the house of representatives and who shall reside in different geographic regions of the Commonwealth; and the executive director of the Massachusetts Cultural Council. Each of the members of the commission shall be an expert or have experience in the fields of education, public policy, artistic development, workforce development or cultural development. The members of the commission shall be appointed no later than 30 days after the effective date of this resolve.

In the course of its deliberations, the commission shall develop recommendations on how to produce and implement an Index of Creative and Innovative Education in the Commonwealth's Public Schools, what funding or finance measures the Commonwealth would need to implement such an index, and any recommendation for inter-agency agreements, inter-municipal agreements, or other cooperative agreements that would be required to foster creative and innovative education programs in the Commonwealth's public schools. The index shall

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rate every public school in the Commonwealth on teaching, encouraging, and fostering creativity in students. The index would be based in part on the creative opportunities in each school as measured by the availability of classes and before and after-school programs offered by and through school districts in the Commonwealth that provide creative opportunities for students in the public schools of the Commonwealth, including, but not limited to, arts education, debate clubs, science fairs, theatre performances, concerts, film-making, and independent research. The commission may hold public hearings to assist in the collection and evaluation of data and testimony.

The commission shall complete a written report detailing any factors to be considered in an Index of Creative and Innovative Education in the Commonwealth's Public Schools and any financial measures that would be needed for implementation. The commission shall submit its report to the governor, the clerks of the house of representatives and the senate, the joint committee on tourism, arts and cultural development, and the joint committee on education no later than December 31, 2010.

Any research, analysis or other staff support that the commission reasonably requires shall be provided by the department of elementary and secondary education, the executive office of housing and economic development, and the executive office of labor and workforce development, in cooperation with the Massachusetts Cultural Council.".

The amendment was adopted.

Mr. Keenan of Salem then moved to amend the bill in section 18, in line 242, by striking out the figures "11" and inserting in place thereof the figures "12", in line 248, by inserting after the word "organization," the following "an individual representing the Massachusetts film industry, provided that said individual shall have significant experience in the local film, television, and digital media, and further, shall be selected from a list of 3 names submitted by the Massachusetts production Coalition or its successor organization;", and by striking out the paragraph contained in lines 313 and 314 and inserting in place thereof the following paragraph:

"Section 13B. There shall be within the partnership the following offices: the office of travel and tourism, the Massachusetts International Trade Office, the Commonwealth Marketing Office, the Massachusetts Film Office, which shall be the Official and lead agency to facilitate motion picture production and development within the Commonwealth; and the Massachusetts Sports Partnership, which shall be the official and lead agency to facilitate and attract major sports events and championships in the Commonwealth.".

The amendments were adopted.

Mr. Rushing of Boston then moved to amend the bill by adding the following section:

"SECTION 136. Chapter 3 of the General Laws is hereby amended by adding the following section:—

Section 70. A permanent commission is hereby established for the purpose of evaluating the continuing impacts on state laws and regulations by international trade policy and international trade agreements, examining proposed international trade agreements, maintaining active

communications with any individual or entity, as the commission determines appropriate, regarding ongoing developments in international trade agreements and policy; and examining any aspects of international trade, international economic integration and international trade agreements that the members of the commission consider appropriate. An 'international trade agreement' is defined as any international trade or investment agreement or treaty, including but not limited to, the North American Free Trade Agreement (NAFTA), the Central American Free Trade Agreement (CAFTA), and agreements concluded by the World Trade Organization (WTO).

Said Commission shall engage in at least one public hearing annually and shall report on the economic and sovereignty impacts of international trade agreements on the Commonwealth of Massachusetts. Such report may include recommendations of support or opposition of revisions in United States trade policy or commitments, including but not limited to proposed international trade agreements. This annual report shall be transmitted to the General Court, the Governor, the Attorney General of the Commonwealth of Massachusetts; the United States Trade Representative and members of the Massachusetts Congressional delegation.

Said commission shall consist of 3 members of the Senate of the General Court, 2 of whom shall be appointed by the president of the Senate and 1 of whom shall be appointed by the minority leader of the Senate; 3 members of the House of Representatives of the General Court, 2 of whom shall be appointed by the speaker of the House and 1 of whom shall be appointed by the minority leader of the House; the Governor or his designee; the Attorney General or her designee; the Treasurer or his designee; a representative from the Office of International Trade & Investment; and 9 persons appointed by the Governor, one of whom shall be a representative of organized labor, one of whom shall represent small business, one of whom shall be a representative from a human rights organization, one of whom shall represent farmers, one of whom shall be a representative from an environmental group, one of whom shall be a representative of the Massachusetts Municipal Association, one of whom shall be engaged in the business of exporting goods internationally, one of whom shall be a member of a graduate faculty of law, with expertise in issues of constitutional federalism, of a private university in the commonwealth, and one of whom shall be a member of a graduate faculty of economics or labor studies of the University of Massachusetts.".

The amendment was adopted.

Mr. Keenan of Salem and other members then moved to amend the bill by adding the following section:

"SECTION 137. Chapter 10 of the General Laws is hereby amended by inserting after section 53 the following section:—

Section 53A. The Massachusetts Cultural Council ('the Council'), shall establish criteria and guidelines for state designated cultural and creative districts. A cultural and creative district shall be a well recognized, labeled, mixed-use, compact area of a city or town in which a high concentration of cultural and creative facilities serves as an anchor. The goals of a cultural and creative district shall include attracting artists and creative enterprises to a community, encouraging business

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and job development, establishing tourist destinations, preserving and reusing historic buildings, enhancing property values and fostering local cultural and economic development. A city or town may create and designate a cultural and creative district subject to certification by the Council. The Council shall develop a certification program to prepare a city or town to become home to a state designated cultural and creative district by creating an application process and developing qualifying criteria and guidelines. A cultural and creative district certification shall remain in effect for 10 years following the date of certification. Two or more cities or counties may apply jointly for certification of a district that extends across a common boundary. Agencies of the executive branch, constitutional offices and quasi governmental agencies shall identify programs and services that support and enhance the development of cultural and creative districts and assures that they are accessible to such districts.

The Council shall in cooperation with the executive branch, constitutional offices, quasi governmental agencies and the Joint Committee on Tourism, Arts and Cultural development identify additional and existing state incentives and resources that will enhance state designated cultural and creative districts and shall report their findings together with drafts of legislation as may be necessary to carry its recommendations into effect by filing same with the clerk of the house of representatives , the clerk of the senate, and the co-chairs of the Joint Committee on Tourism, Arts and Cultural Development no later than December 1, 2010.".

The amendment was adopted.

Mr. Fennell of Lynn then moved to amend the bill by adding the following section:

"SECTION 138. Section 60 of chapter 147 of the Massachusetts General Laws is hereby amended by inserting after the words 'employed by any licensee' the following words:— to install, monitor, or sell security systems.".

The amendment was rejected.

The same member then moved to amend the bill by adding the following twelve sections:

"SECTION 138. It is hereby found and declared that the North Shore Community College is a critical element of the commonwealth's higher education system and fulfilling the mission of North Shore Community College to provide educational resources to the citizens of the commonwealth is essential to providing students with skills and opportunities necessary to a full and productive life. It is further declared that providing physical and financial resources necessary to meet the needs of the North Shore Community College now and in the future is critical to the ability of North Shore Community College to fulfill its mission including providing the workforce with skills necessary to allow for the maintenance and expansion of the business, industrial, technological and manufacturing sectors of the commonwealth's economy. It is further found and declared that creation of a nonprofit assistance with certain statutory authority will provide a vehicle with the necessary flexibility to prudently pursue opportunities for the benefit of North Shore Community College, its present and future students and the commonwealth. It is therefore expressly declared that the pro-

visions of this act constitute a needed program in the public interest in furtherance of an essential governmental function and serve a necessary and valid public purpose for which public money may be expended or invested.

SECTION 139. As used in this act the following terms shall, unless otherwise required, have the following meanings:

'Board of directors', the board of directors of the North Shore Community Assistance Corporation created by this act;

'Board of higher education', the board of higher education established pursuant to section 4 of chapter 15A of the General Laws;

'Board of trustees', the board of trustees of the North Shore Community College;

'College', the North Shore Community College or, should the North Shore Community College be dissolved or fail to qualify either as a political subdivision of the commonwealth or an educational institution exempt from federal income tax under Section 501(c)(3) of the Code, then such other educational institution of higher learning established and operating in the commonwealth as shall be designated by the board of higher education, which is either such a political subdivision or such an exempt organization;

'Code', the Internal Revenue Code of 1986, as the same may, from time to time, be amended;

'Corporation', the North Shore Community College Assistance Corporation created by this act;

'Educational institution', an educational organization within the meaning of section 170(b) (I)(A)(ii) of the Code.

SECTION 140. (a) There shall be a body politic and corporate to be known as the North Shore Community College Assistance Corporation. The corporation is not and shall not be deemed a public agency or state agency within the meaning of such terms in chapter 7 of the General Laws for any purposes.

The corporation shall be governed by a board of directors consisting of the following 15 members: the chairman of the board of trustees of the college, the president of the college, the mayor of the city of Lynn, the president of the Lynn City Council, the director of the Lynn Economic Development Industrial Corporation, or successor thereto, 3 members appointed by the governor, 1 member appointed by the Lynn Chamber of Commerce, or successor thereto, and 6 members appointed by the president of the college. Of the 3 members appointed by the governor at least 1 shall be a person experienced in the financial aspects of real estate development and management, and 1 shall be a person experienced in planning. Of the 6 members appointed by the president of the college, at least 2 shall be persons experienced in higher education administration.

(b) The appointed members of the board of directors shall serve 3-year terms. Of those initially appointed by the governor, 1 shall be appointed for 1 year, 1 for 2 years, and 1 for 3 years. Of those initially appointed by the president of the college, 2 shall be appointed for 1 year, 2 shall be appointed for 2 years, and 3 shall be appointed for 3 years. The individual initially appointed by the Lynn Chamber of Commerce shall be appointed for 2 years. Vacancies arising from other than the expiration of the term shall be filled by the party responsible

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for the initial appointment. Directors shall serve without compensation but may be reimbursed for expenses necessarily incurred in the performance of their duties.

(c) The board of directors from time to time shall elect from among themselves a chairman, a vice chairman and a secretary. The secretary shall be the custodian of all books, documents and papers of the corporation and its minute book and seal. Unless otherwise provided in by-laws adopted by the board of directors, the number of directors required to constitute a quorum shall be a majority of the directors then in office. If a quorum is present, a majority of the directors may take any action on behalf of the board of directors except to the extent that a larger number is required by this act, or other applicable laws or by-laws adopted by the board of directors.

SECTION 141. The purposes of the corporation shall be to (i) promote the orderly growth and development of the college; and (ii) to assist the college in securing physical and financial resources necessary for the acquisition and development of sites for use by the college. In furtherance of such purpose the corporation shall, subject only to the restrictions and limitations hereinafter contained, have the following powers:

(a) to make and execute contracts and any other instruments necessary or convenient for the exercise of its powers or the discharge of its duties and incur liabilities for any other purposes of the corporation;

(b) to have a corporate seal which it may alter at its pleasure;

(c) to adopt by-laws for the regulation of its affairs;

(d) to accept, acquire, receive, take, and hold by bequest, devise, grant, gift, purchase, exchange, lease, transfer, judicial order or decree or otherwise, for any of its objects and purposes, any property both real and personal reasonably related to the acquisition and development of sites for use by the college, and to develop such sites, including, but not limited to, the construction, renovation, operation and maintenance of buildings thereon;

(e) to sue or be sued, provided, however, a director or officer of the corporation shall not be liable for the performance of his duties if he acts in compliance with section 6C of chapter 180 of the General Laws;

(f) to sell, convey, mortgage, lease, transfer, exchange or otherwise dispose of any such property, both real and personal, as the objects and purposes of the corporation may require;

(g) to borrow money, and from time to time, to make, accept, endorse, execute, and issue promissory notes, bills of exchange, and other obligations of the corporation for monies borrowed or in payment for property acquired or for any of the other purposes of the corporation, and to secure the payment of any such obligation by mortgage, pledge, deed, agreement, or other instrument of trust, or other lien upon, assignment of, or agreement in regard to all or any part of the property rights or privileges of the corporation, whether now owned or hereafter to be acquired;

(h) to receive stocks, bonds, donations, gifts and to otherwise raise money for the corporation's purposes;

(i) to elect, appoint and employ officers, agents and employees; to fix their compensation and define their duties and obligations and to indemnify corporate personnel;

(j) to enter into agreements for other transactions with any person, including, without limitation, any governmental instrumentalities or agencies in connection with any of its powers or duties and any governmental agency is hereby authorized to enter into such agreements or transactions with the corporation; and

(k) to do all acts and things necessary or convenient to the exercise of any power or the discharge of any duty provided for by this section.

SECTION 142. The corporation is hereby deemed to be an 'institution for higher education' solely for the purposes such term is used in chapter 614 of the acts of 1968. Any acquisition of property by purchase, lease, or other method by the corporation shall be deemed a 'project' as such term is used in chapter 614 of the acts of 1968. The corporation shall be fully eligible to receive any and all assistance from the Massachusetts Health and Education Facilities Authority created by chapter 614 of the acts of 1968 in the same manner as any institution for higher education.

SECTION 143. (a) The corporation shall assess the space needs of the college on a regular basis and may acquire sites for use by the college. The corporation may lease or rent land or space in any facility under the control of the corporation to any entities other than the college only after making a determination that the college does not have a foreseeable need for such space or land for the term of the lease or rental agreement.

(b) In no event shall the corporation sell, convey, transfer, exchange or otherwise dispose of any real property without notifying in writing and consulting with the board of trustees and the board of higher education, and after such consultation making a determination that such sale, conveyance, transfer or exchange is in the best interests of the college. Any such sale, conveyance, transfer or exchange shall require a vote of two-thirds of the members of the board of directors.

SECTION 144. The college or any state agency or entity acting on the college's behalf, may enter into an agreement to rent, lease or otherwise utilize any facility owned by, or under the control of the corporation. The corporation shall be paid rent and costs for such facilities at a rate agreed to by the corporation and college or state agency or entity entering into an agreement on the college's behalf, provided that such amount may not exceed the fair market value for the use of such facilities at the time the agreement is made. Subject to this limitation, the college's determination to rent, lease or otherwise utilize any facility owned or under the control of the corporation and any agreement related thereto shall not be subject to chapter 7 of the General Laws.

SECTION 145. (a) The corporation shall not have the authority to engage in any activities which are not in furtherance of its corporate purposes or to support or benefit any organization other than the college, and all of the powers granted under this act to the corporation shall be exercised in a manner consistent therewith.

(b) Notwithstanding any other provision herein contained, neither the directors and officers of the corporation nor the corporation shall participate in any 'prohibited transaction' within the meaning of Section 503 of the Code, nor shall the corporation be operated at any time for the primary purpose of carrying on a trade or business for profit.

SECTION 146. Subject to the other provisions of this act, the corporation shall use or distribute all property from time to time held by

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the corporation solely in the furtherance of its corporate purposes in such manner as the board of directors shall determine. No part of the assets or net earnings, if any, of the corporation shall inure to the benefit of, or be distributable to, its directors, its officers or any private individual, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of its corporate purposes. The corporation shall not directly or indirectly participate in or intervene in, including the publishing or distributing of statements, any political campaign on behalf of or in opposition to any candidate for public office. No substantial part of the activities of the corporation shall be carrying on of propaganda, or otherwise attempting to influence legislation, except to the extent the corporation makes expenditures for purposes of influencing legislation in conformity with the requirements of Section 501(h) of the Code. If the corporation is deemed to be a private foundation as defined in Section 509 of the Code, the provisions of chapter 68 A of the General Laws shall apply to it.

SECTION 147. (a) The operation and maintenance of projects by the corporation shall constitute the performance of an essential governmental function, and the corporation shall not be required to pay any taxes or special, betterment or other assessments within the commonwealth, including, without limitation, taxes on real or personal property and any ad valorem taxes, upon any property owned, constructed, acquired, leased or used by it under the provisions of this section. The corporation shall not be subject to any taxes based upon or measured by income which may be enacted by the commonwealth. Obligations issued by the corporation under this act, and any income derived therefrom, including any sale, exchange or transfer of such obligation, shall at all times be free from taxation within the commonwealth.

(b) Land, buildings and tangible personal property of the corporation if leased to the extent permitted under this act for any activity or transaction entered into by the lessee for financial profit or gain, shall be taxed or assessed by the city of town in which such land, buildings and tangible personal property may be situated to the lessees thereof respectively, in the same manner as such land, buildings and tangible personal property would be taxed or assessed to such lessees if they were owners thereof, except as follows:

(1) the payment of the tax or assessment shall not be enforced by any lien upon or sale of such land or buildings, but for the purpose of enforcing the payment of such taxes or assessments by such lessees to the city or town in which such land or buildings are situated, a sale of the leasehold interest in therein may be made by the collection of the city or town in the manner provided by law for selling real estate for the nonpayment of real estate taxes;

(2) such land, buildings and tangible personal property leased to any political subdivision of the commonwealth or to any public charity described in section 8 of chapter 12 of the General Laws for its charitable purposes shall not be taxed or assessed to any such lessees;

(3) that in lieu of taxes, and any betterment or special assessments, the city of Lynn may determine a sum to be paid to it annually in any year or period or years, such sum to be in any year equal to or

less than the amount that would be levied at the then current tax rate upon the then current assessed value of such real estate, including buildings and other structures, the valuation for each year being reduced by all abatements thereon. In no event however, shall any amount be due prior to the first year in which the corporation has leased some portion of the real property to a third party and has received rental payments for fees in return therefore and any amount so due shall be prorated based upon the percentage of the property for which rental payments or fees have been received;

(4) if any such lessee is subject to the excise levied under the provisions of sections 30 to 42B, inclusive, of chapter 63 of the General Laws, such tangible personal property shall be treated as though it were owned by such lessee for the purposes of such excise, and it shall be valued at eight times its annual rental rate, unless and to the extent that such property is treated by the lessee as owned by it for federal income tax purposes, in which case its value shall be its adjusted basis, as defined in the applicable provisions of the Code; and

(5) all tangible property, real or personal, so leased shall be considered tangible property owned or rented and used in the commonwealth by such lessee for the purposes of section 38 of chapter 63 of the General Laws.

SECTION 148. The corporation shall not exercise any of the following powers, duties, actions:

(a) responsibilities or authorities in the absence of review and comment by the inspector general of the commonwealth, which review and comment shall be provided within 2 weeks of submission by the corporation of a plan setting forth the power, duty, action, responsibility or authority proposed to be taken:

(1) entering into a contract requiring an annual expenditure in excess of $100,000 by the corporation; provided, however, that the corporation is authorized to enter into those contracts necessary to acquire sites, without further review by the inspector general, but pursuant to a memorandum of understanding with the secretary of administration and finance with respect to the acquisition, renovation, operation, and potential disposition of sites;

(2) borrowing monies such that the outstanding amount of monies borrowed by the corporation exceed $100,000;

(3) entering into a contract requiring the sale of any asset of the corporation purchased with monies appropriated by the commonwealth; and

(4) entering into a contract requiring the sale of all or substantially all of the assets of the corporation.

(b) The inspector general in carrying out the provisions of this act shall have access to all the corporation's records, reports, audits, reviews, papers, books, documents, recommendations, correspondence, including information relative to the purchase of services or anticipated purchase of services from any contractor by the corporation, and any other data and material that is maintained by or available to the corporation which in any way relates to the programs and operations with respect to which the inspector general has duties and responsibilities under this act, except records to which the provisions of section 18 of chapter 66 of the General Laws apply.

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The inspector general may request such information, cooperation and assistance from the corporation as may be necessary for carrying out his duties and responsibilities under this act. Upon receipt of such request the person in charge of the corporation's governing body shall furnish to the inspector general or his authorized agent or representative such information, cooperation and assistance, including information relative to the purchase of services or anticipated purchase of services from any contractor by the corporation except records to which the provisions of said section 18 of said chapter 66 apply. He may make such investigation, audits and reports relating to the administration of the programs and operations of the corporation as are in the judgment of the inspector general necessary and may conduct an examination of any documents of the corporation to prevent or detect fraud, waste and abuse in the expenditure of public funds. The inspector general shall have direct and prompt access to the head of the corporation when necessary for any purpose pertaining to the performance of his duties and responsibilities under this act. He may request the production, on a voluntary basis, of testimony or documents from any individual firm or non-governmental entity which relate to his duties and responsibilities under this act.

(c) The inspector general may require by summons, the production of all records, reports, audits, reviews, papers, books, documents, recommendations, correspondence and any other data and material relevant to any matter under audit or investigation pursuant to the provisions of this act, except records to which the provisions of said section 18 of said chapter 66 apply. Such summons shall be served in the same manner as a summons for the production of documents in civil cases issued on behalf of the commonwealth, and all provisions of law relative to said summons shall apply to a summons issued pursuant to this act. Any justice or the superior court department in the trial court may, upon application by the inspector general, issue an order to compel the production of records, reports, audits, reviews, papers, books, documents, recommendations, correspondence and any other data and material as aforesaid. Any failure to obey such order may be punished by said court as contempt. Any summons issued pursuant to this act shall not be made public by the inspector general or any officer or employee of his department, nor shall any documents provided pursuant to this act be made public until such time as it is necessary for the inspector general to do so in the performance of his duties under this act. The production of such books and papers pursuant to summons shall be governed by the same provisions with reference to secrecy which govern proceedings of a grand jury. Disclosure of such production, attendance and testimony may be made to such members of the staff of the inspector general as is deemed necessary by the inspector general to assist him in the performance of his duties and responsibilities under this act and such members of the staff may be present at the production of records.

(d) The corporation shall submit annually an audited financial statement to the house and senate committees on ways and means, and the joint committee on higher education.

SECTION 149. Upon dissolution of the corporation after payment of all of the liabilities of the corporation or due provision therefore, all

of the assets of the corporation shall be distributed to the board of higher education, to be held in trust for the benefit and purposes of the college, and shall not inure to the benefit of or be distributed to any private individual.”.

The amendment was rejected.

Mr. Madden of Nantucket then moved to amend the bill by adding the following section:

“SECTION 138. The fourth paragraph of section 15 of chapter 701 of the acts of 1960, as most recently amended by chapter 167 of the acts of 1990 is hereby amended by striking out in line 4 the word ‘ten’ and inserting in place thereof the word:— twenty five.”.

The amendment was adopted.

Messrs. Quinn of Dartmouth and McCarthy of East Bridgewater then moved to amend the bill by striking out sections 106 and 107; and the amendment was rejected.

Mr. Rodrigues of Westport then moved to amend the bill in section 18, in line 435, by striking out the words “Bristol County Convention and Visitors Bureau” and inserting in place thereof the words “Southeaster Massachusetts Convention and Visitors Bureau”. The amendment was adopted.

The same member then moved to amend the bill in section 127, in lines 2106 and 2107, by striking out the following “(iii) or any permit or approval granted to a project receiving funds from the commonwealth’s infrastructure investment incentive program” and inserting in place thereof the following “(iii) or any project that has received funds prior to July 1, 2010 from the Massachusetts Development Finance Agency through the commonwealth’s infrastructure investment incentive program created pursuant to chapter 129 of the acts of 2008.”

The amendment was adopted.

Ms. Provost of Somerville then moved to amend the bill in section 40, in line 757, by inserting after the word “pharmaceuticals” the words “, clean and renewable energy technology; vehicles powered by clean and renewable energy”. The amendment was adopted.

The same member then moved to amend the bill by striking out section 127; and the amendment was rejected.

The same member then moved to amend the bill in section 18, in line 249; in section 25, in line 582; and also in section 58, in line 1015, by striking out the words “has principal place of business in the commonwealth;” and inserting thereof, in each instance, the words “has a principal place of business in the commonwealth, and whose business is incorporated under the law of the commonwealth”.

The amendments were rejected.

Ms. Provost then moved to amend the bill in section 4, in line 36, by striking out the figures “12” and inserting in place thereof the figures “15”, and in line 45, after the word “commerce”, by inserting the following “, 1 of whom shall be a member of a regional economic development group, 1 of whom shall be a member of a local economic development group, 1 of whom shall be a member of the business community”.

The amendments were rejected.

Ms. Forry of Boston then moved to amend the bill in section 49, in line 910, and also in section 50, in line 923, by inserting after the word

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"regulation.", in each instance, the following sentence "This statement of consideration must be completed 30 days before the proposed regulation is to take effect.".

The amendments were adopted.

Mr. Naughton of Clinton then moved to amend the bill by adding the following section:

"SECTION 139. Notwithstanding any general or special law to the contrary. The Commonwealth hereby directs the Department of Housing and Community Development to require the development of the Qualified Allocation Plan (QAP) for 2011, in which the Department shall work toward a set-aside of 10% of its allocated tax credits for projects sponsored by nonprofits that will provide permanent housing for formerly homeless veterans in a service-based multifamily property and projects of no fewer than 20 units.".

The amendment was adopted.

Mr. Straus of Mattapoisett then moved to amend the bill by adding the following seven sections:

"SECTION 140. Section 12 of said chapter 138, as so appearing, is hereby amended by inserting after the first paragraph the following paragraph:—

The local licensing authority of any city or town wherein the granting of licenses under this section is authorized, irrespective of any limitation of number of licenses contained in section seventeen, may issue a license to the holder of a farmer-winery license under section 19B or in any other state for service to travelers, strangers, and other patrons and customers not under twenty-one (21) years of age, such wine to be served and drunk on the premises of the winery at such locations on the premises of the farm as the local licensing authority may deem reasonable and proper. For purposes of this section, a farm is defined by Chapter 128, Section 1A.

SECTION 141. Section 15 of said chapter 138, as so appearing, is hereby amended by inserting after the words 'and 19C', in the first paragraph, the following words:— , or to an applicant licensed to operate as a farmer-winery under section 19B or in any other state.

SECTION 142. Section 15 of said chapter 138, as so appearing, is hereby amended by inserting after the 'licensing fee', in the second paragraph, the following words:— and nothing shall prohibit the local licensing authority from establishing reduced fees for special licenses issued pursuant to Section 15F of this Chapter.

SECTION 143. Chapter 138 of the General Laws is hereby amended by inserting after section 15E the following section:—

Section 15F. Special licenses to a Farmer-Winery for the sale of wines at agricultural events; fees.

Notwithstanding any other provision of Chapter 138, in any city or town wherein the granting of licenses to sell wine is authorized under this chapter, the local licensing authority may issue to an applicant authorized to operate a farmer-winery under section nineteen B or in any other state, a special license for the sale of wine produced by or for the licensee in sealed containers for off-premise consumption at an indoor or outdoor agricultural event. All sales of wine shall be conducted by an agent, representative, or solicitor of the licensee to individuals who are at least twenty-one (21) years of age. A licensee under

this section may provide, without charge, samples of wine to prospective customers at an indoor or outdoor agricultural event. All samples of wine shall be served by an agent, representative, or solicitor of the licensee to individuals who are at least twenty-one (21) years of age and all samples must be consumed in the presence of the agent, representative, or solicitor of the licensee. Provided further that no sample shall exceed one (1) ounce of wine and no more than five (5) samples shall be served to any individual customer. For the purposes of this section, the term 'agricultural event' shall be limited to those events certified by the department of agricultural resources as set forth herein below.

The licensee under this section shall obtain a special license from the local licensing authority. In order to obtain a special license from the local licensing authority, a licensee under this section shall file an application and plan with the department of agricultural resources that will demonstrate that the event is an agricultural event as set forth herein below. The application shall include a description of the event, the date(s) time and location of the event, a copy of the operational guidelines and/or rules for the event, written approval that the licensee has been approved as a vendor at the event, including the name and contact information of the on-site manager, and a plan depicting the premises and the specific location where the licensee will exercise it.

Upon review of the application and plan, the department may certify that the event is an agricultural event. The department shall consider the following factors in determining whether an event is an 'agricultural event' for the purposes of this section: operation as a farmers' market or agricultural fair approved and/or inspected by the department; frequency and regularity of the event, including date(s), time(s) and location(s); number of vendors; terms of vendor agreements; presence of an on-site manager; training of the on-site manager; operational guidelines and/or rules, which shall include vendor eligibility and produce source; focus of event on local agricultural products grown and/or produced within the market area; types of shows and/or exhibits, including those which are described in section 2(f) of chapter one hundred and twenty eight; and sponsorship and/or operation by an agricultural or horticultural society organized under the laws of the Commonwealth, or by a local grange organization and/or association whose primary purpose is the promotion of agriculture and its allied industries. The department of agricultural resources may promulgate rules and regulations necessary for the operation, oversight, approval, and inspection of agricultural events under this section.

Along with its application and prior to the issuance of a special license, the licensee shall file with the local licensing authority proof of certification from the department of agricultural resources with the local licensing authority prior to the issuance of a special license. The special license issued by the local licensing authority shall designate the specific premises, and date(s), and times covered. Any special license issued by the local licensing authority may be issued for an indoor or outdoor agricultural event which takes place on multiple dates and/or times during a single calendar year; but in no event shall any special license be issued for an agricultural event that will not take

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place within one (1) calendar year. A copy of a special license issued by the local licensing authority shall be submitted to the commission at least seven (7) days prior to the date the agricultural event is first scheduled to take place and shall be displayed conspicuously by the licensee at the licensed premises. The local licensing authority may charge a fee for each such special license issued, but such charge or fee shall not exceed fifty (50) dollars. Any special license granted pursuant to this section shall be nontransferable to any other person, corporation, or organization and shall be clearly marked nontransferable on the face of the license.

The commission may promulgate rules and regulations it deems appropriate to effectuate the purposes of this section.

SECTION 144. Section 17 of said chapter 138, as so appearing, is hereby amended by inserting after the last paragraph the following paragraph:

In addition to the number of licenses otherwise authorized to be granted by the provisions of this section, a city or town may grant additional licenses under sections twelve, fifteen or fifteen F to the holder of farmer-winery license under section 19B or in any other state for the sale of wine produced by or for said applicant. Any license issued by a city or town under section twelve, fifteen or fifteen F shall not be counted as a license for purposes of determining the number of licenses allowed to be issued by a city or town under the provisions of this section. Any license granted pursuant to this section shall be nontransferable to any other person, corporation or organization and shall be clearly marked nontransferable on the face of the license.

SECTION 145. Section 19B of said chapter 138, as so appearing, is hereby amended by inserting after the words 'foreign country,' in subsection (g)(4), the following words:—

(5) at retail by the bottle to consumers, for consumption off the winery premises in accordance with a license issued under section fifteen or fifteen F of this chapter.

(6) at retail by the glass or bottle to be consumed on the premises prescribed by a license issued by local authority pursuant to section twelve of this chapter.

SECTION 146. Section 19B of said chapter 138, as so appearing, is hereby amended by striking subsection (h) and inserting in place thereof the following words:—

(h) A winegrower may not sell at retail to consumers any wine or winery product not produced by the winery or produced for the winery and sold under the winery brand name. All retail sales must be made on the winery premises, except where a winegrower obtains additional licenses for the sale of wine to consumers at additional locations off the winery premises at locations authorized by a license issued pursuant to sections fifteen and fifteen F of this chapter.".

The amendment was adopted.

Mr. Basile of Boston then moved to amend the bill by striking out section 115 and inserting in place thereof the following section:

"SECTION 115. The Massachusetts Port Authority shall cooperate with the office of performance management and oversight established by the secretary of housing and economic development.".

The amendment was adopted.

Mr. Honan of Boston then moved to amend the bill by adding the following two sections:

"SECTION 147. Section 6I of Chapter 62 of the General Laws is hereby amended by deleting the phrases ', if allocated a federal low income housing tax credit with respect to a project,' and substituting 'a' for 'the same' in paragraph (1) of subsection (c).

SECTION 148. Section 31H of Chapter 63 of the General Laws is hereby amended by deleting the phrases ', if allocated a federal low income housing tax credit with respect to a project,' and substituting 'a' for 'the same' in paragraph (1) of subsection (c).".

The amendment was adopted.

Mr. Kaufman of Lexington then moved to amend the bill in section 129, in line 2145, after the word "passage." by inserting the following sentence: "Sections 82, 93, and 100 shall be effective through December 31, 2015.".

The amendment was adopted.

Mr. Sánchez of Boston and other members then moved to amend the bill in section 17, in lines 130 to 137, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:

"Section 3J. (a) The Massachusetts office of business development, or MOBD, shall partner with statewide and regional economic development organizations, including, but not limited to, public-private alliances promoting economic development, to establish a plan for business development to support statewide and regionally-based efforts to grow and retain existing businesses and attract new business to the commonwealth. The plan shall include the municipalities which comprise the region to be served under the plan and a contact for businesses seeking assistance, services or information from the commonwealth in that region. MOBD may contract with economic development organizations to implement the statewide and regional plan and provide services, including statewide site finding, to businesses.".

The amendment was adopted.

Mr. Naughton of Clinton then moved to amend the bill by adding the following section:

"SECTION 149. Notwithstanding any other general or special law to the contrary. The Executive Office of Labor and Workforce Development shall partner with the Department of Higher Education and the Department of Veteran Services to study and report back its finding on the feasibility of creating a program to give returning veterans opportunities to attend community colleges and technological trade programs within the Commonwealth that will assist veterans with already acquired technical skills from military service and assist them in transitioning those skills into a civilian workforce setting. The findings of said report are due by December 31, 2010.".

The amendment was adopted.

Mr. Keenan of Salem then moved to amend the bill by striking out section 114 and inserting in place thereof the following section:

"SECTION 114. Section 22 of said chapter 218, as so appearing, is hereby amended by adding the following paragraph:—

The procedure shall include the beginning of actions with an entry fee of $30 for claims of $500 or less, $40 for claims of greater than

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$500 but less than or equal to $2000, $90 for claims of greater than $2000 but less than or equal to $5000, and $140 for claims greater than $5000, plus the surcharge required by section four C of chapter two hundred and sixty-two, but without summons and complaint and without requirement, except by special order of court, of any pleading other than a concise written statement of the claim.".

The amendment was adopted.

Mr. Hill of Ipswich then moved to amend the bill by inserting after section 94 the following section:

"SECTION 94A. Section 67D of chapter 62C of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking subsection (a) and replacing it with the following subsection:—

(a) When used in this section, the following words shall have the following meaning:

'Application year', the calendar year for which a biotechnology or medical device manufacturing or marine science technology company or small business submits the information required for a determination as to a jobs incentive payment.

'Biotechnology company', a business primarily engaged in the research, development, production or provision of biotechnology for the purpose of developing or providing products or processes for specific commercial or public purposes including, but not limited to, medical, pharmaceutical, nutritional and other health-related purposes or a person engaged in providing services or products necessary for such research, development, production or provision. This term shall include contract manufacturers engaged in the production of biotechnology products for a biotechnology company or a medical device manufacturing or marine science technology company.

'Business', a corporation, sole proprietorship, partnership, limited liability company or any other form of business organization.

'Commissioner', the commissioner of revenue.

'Eligible Jobs', a number determined by first multiplying each of the local jobs created by a biotechnology or medical device manufacturing company or small business during a single calendar year by the job qualifier for that job, and then totaling the number for all of the local jobs created.

'Full time employee', a person who is employed for consideration for at least 35 hours per week and whose salary is subject to withholding as provided in chapter 62B.

'Job qualifier fraction', in the case of either a full-time employee or a part-time employee of a biotechnology or medical device manufacturing or marine science technology company or small business, the figure that determines the extent to which that employee is employed in the commonwealth during a single calendar year. The job qualifier fraction for each employer shall be determined by multiplying the following percentages together: (i) the percentage of time that an employee worked while employed by the company expressed as average hours worked per week out of 35 hours, not to exceed 100 per cent; (ii) that employee's time attributable to work in the commonwealth, as a portion of that employee's total work for the company; and (iii) the portion of the year the employee worked for the company.

'Jobs incentive payment', a business employment incentive payment for biotechnology or medical device manufacturing or marine science technology companies or small businesses as provided for in this section.

'Local jobs created', the total number of jobs created by a biotechnology or medical device manufacturing or marine science technology company or small business during a single calendar year in which the new employees perform qualified services at least 1 in-state location, including jobs performed by persons that are transferred within the company to work at an in-state location from a location based outside the state.

'Marine science technology company', a business engaged in research, exploration, operations, monitoring, or defense in marine settings. This term shall include contract manufacturers engaged in the production of these products for a marine science technology company.

'Medical device manufacturing company', a business primarily engaged in manufacturing medical or surgical instruments, surgical appliances or supplies or electromedical, electrotherapeutic or irradiation apparatus. This term shall include contract manufacturers engaged in the production of such products for a medical device manufacturing company or a biotechnology company.

'Part-time employee', a person who is employed for consideration for less than 35 hours a week and whose salary is subject to withholding as provided in chapter 62B.

'Payment years', in the case of a biotechnology or medical device manufacturing or marine science technology company or small business that is determined to be eligible for a jobs incentive payment, the 3 calendar years following the application year.

'Qualified services', for an employee of a biotechnology or medical device manufacturing company, direct production manufacturing services performed that consist primarily of at least 1 of the following services: medicinal and botanical manufacturing, pharmaceutical and preparation manufacturing, in vitro diagnostic substance manufacturing, biological product, except diagnostic, manufacturing, surgical and medical instrument manufacturing, electromedical and electrotherapeutic apparatus manufacturing, surgical appliance and supplies manufacturings and irradiation apparatus manufacturing. These services are as referenced in the federal NAICS Codes for biotechnology manufacturing, numbers 325411-325414, 339112, 314510, 339113 and 334517, respectively or direct manufacturing or professional services performed by an employee of a marine science technology company during a calendar year that consists of research, exploration, operations, monitoring, or defense in a marine setting.

'Weighted, average employment', for a calendar year, the total number of jobs maintained by a biotechnology or medical device manufacturing or marine science technology company in which the employees performed employment services in at least 1 in-state location. The number is to be determined by first multiplying each of the individual jobs maintained by the company for that year by the job qualifier fraction for that job and then totaling the number for all of these jobs."; and by inserting after section 123 the following section:

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"SECTION 123A. Section 2B of Chapter 130 of the Acts of 2008 is hereby amended by striking the figures '$500,000,000' and inserting in its place the figures:— $400,000,000.".

The amendments were rejected.

Mr. Rice of Gardner then moved to amend the bill by inserting after section 11 the following section:

"SECTION 12. Said section 3A of said chapter 23A is further amended by striking out, in the definition of 'gateway municipalities', the words:— population greater than 35,000.".

After remarks the amendment was rejected.

Mr. Cabral of New Bedford then moved to amend the bill in section 2B, in line 24, by striking out the words "joint committee on bonding, capital expenditures and state assets" and inserting in place thereof the words "senate and house committees on bonding, capital expenditures and state assets."

The amendment was adopted.

The same member then moved to amend the bill by inserting after section 11 the following section:

"SECTION 11A. Said section 3A of said chapter 23A is hereby further amended by inserting after '35,000' the following:— and less than 250,000.".

The amendment was adopted.

Mr. Cabral then moved to amend the bill in section 13, in lines 101, 102 and 103, by striking out the following "generates a net increase or retention of a minimum of at least 50 permanent full-time positions or creates a minimum of 25 new full-time positions" and inserting in place thereof the following "retains a minimum of at least 50 permanent full-time positions or creates a minimum of 25 new full-time positions", in line 111, by striking out the words "or increase", and in line 112, by striking out the word "employees" and inserting in place thereof the word "positions".

The amendments were adopted.

Mr. Cabral of New Bedford then moved to amend the bill in section 82, in line 1450, and also in line 1479, by striking out the figures "20" and inserting in place thereof, in each instance, the figures "80", and by striking out lines 1451 and 1452 and inserting in place thereof the following: " 'Market rate residential unit', a residential unit priced for households above 110% of the area's household median income"; and in section 88, in line 1679, by striking out the figures "50" and inserting in place thereof the figures "10".

The amendments were adopted.

Representatives Wolf of Cambridge and Cantwell of Marshfield then moved to amend the bill by striking out section 127 (as previously amended); and, there being no objection, the amendment was adopted.

Mr. Kane of Holyoke then moved to amend the bill by adding the following section:

"SECTION 150. The Massachusetts Growth Capital Corporation established pursuant to chapter 40F shall examine the Massachusetts opportunity rebuilding and expansion infrastructure program as filed in the 2009-2010 legislative session and make legislative recommendations for filing and action on the implementation of said program to the clerks of the house of representatives and senate before July 31, 2011.".

The amendment was adopted.

Ms. Callahan of Sutton then moved to amend the bill by adding the following section:

"SECTION 151. Chapter 7 of the General Laws is hereby amended by adding the following section:—

For purposes of this section, 'lean enterprise' means a performance system that leads, promotes and facilitates continuous improvement efforts across state government through the use of a set of proven quality tools, methods and strategies commonly known as 'lean six sigma or kaizen' for the purposes of better organizing and managing public services, programs, and operations to achieve measurable results, increase efficiency, reduce variation and errors, eliminate waste, improve public value and enhance service delivery.

The Executive Office of Administration and Finance (ANF) shall be responsible for implementing and overseeing a comprehensive Lean Enterprise Performance Program. The function of the program is to ensure state wide implementation of lean tools and techniques as a component of an overall performance management system for all executive branch agencies and departments, to enhance economic development and improve service efficiency. The Governor and ANF shall be responsible for researching and reviewing how other states have successfully implemented and continue to execute lean performance models and measures. The governor shall make recommendations to ANF on the desired structure to implement such a program and the initial necessary educational resources or consulting services needed to pilot and subsequently provide for full implementation of the program. Funding for a Lean Enterprise Performance Program shall be made via annual fiscal appropriations contained within ANF.".

After remarks the amendment was rejected.

Mr. Michlewitz of Boston then moved to amend the bill by adding the following two sections:

"SECTION 151. Section 1 of Chapter 62 of the General Laws is hereby amended by adding after section 6L the following new section:—

Section 6M. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:—

'Commissioner', the Massachusetts Commissioner of Revenue.

'Project', the design, development and construction of buildings and structures, that shall be used by nonprofit entities for recreational, cultural, or educational purposes or other enrichment programs related thereto, along the Rose Kennedy Greenway in the City of Boston on Parcels 6, as identified in the Central Artery Tunnel Project Joint Development Protocol for Surface Parcels dated June 26, 2003.

'Taxpayer', an individual, corporation, financial institution, corporate trust, limited liability company, partnership or other entity subject to the income tax imposed by the provisions of this chapter or chapter 63, or a nonprofit organization engaged in a project.

(b) A taxpayer engaged in a project, as so defined in section (a), along the greenway shall be allowed a credit equal to 20 per cent of the cost of the design, development and construction of any said project.

(c) The tax credit shall be taken against the taxes imposed under this chapter or chapter 63, at the election of the taxpayer, said credit shall be refundable or transferable as provided for in subsection (d). Any amount of the tax credit that exceeds the tax due for a taxable

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year may be carried forward by the taxpayer to any of the 5 subsequent taxable years.

(d) (1) All or any portion of tax credits issued in accordance with this subsection may be transferred, sold, or assigned to one or more taxpayers with tax liabilities under this chapter or chapter 63. Any tax credit that is transferred, sold, or assigned and taken against taxes imposed by this chapter or said chapter 63 shall not be refundable. Any amount of the tax credit that exceeds the tax due for a taxable year may be carried forward by the transferee, buyer or assignee to any of the 5 subsequent taxable years from which a certificate is initially issued by the department of revenue.

(2) An owner or transferee desiring to make a transfer, sale or assignment shall submit to the commissioner a statement which describes the amount of tax credit for which the transfer, sale or assignment of tax credit is eligible. The owner or transferee shall provide to the commissioner information as the commissioner may require for the proper allocation of the credit. The commissioner shall provide to the taxpayer a certificate of eligibility to transfer, sell or assign the tax credits. The commissioner shall not issue a certificate to a taxpayer that has an outstanding tax obligation with the Commonwealth of Massachusetts in connection to any prior taxable year. A tax credit shall not be transferred, sold or assigned without a certificate.

(e) The total amount of tax credits provided under this subsection in connection with any one project shall not exceed $10,000,000.

(f) The commissioner shall promulgate regulations necessary for the administration of this subsection.

SECTION 152. Section 151 shall be effective for tax years beginning on and after January 1, 2014.”.

The amendment was rejected.

Mr. Dempsey of Haverhill then moved to amend the bill by adding the following three sections:

“SECTION 151. Clause (c) of paragraph 5 of section 30 of chapter 63 of the General Laws, as so appearing, is hereby amended by striking subclause (iii).

SECTION 152. Said paragraph 5 of said section 30 of said chapter 63, as so appearing, is hereby amended by adding the following clauses:—

(d) Notwithstanding any other provision of this section, in the case of a business corporation, losses incurred before the corporation becomes subject to tax liability in this commonwealth shall not be allowed.

(e) Notwithstanding any other provision of this section, when a net operating loss is otherwise allowed to a corporation under this chapter, the loss is to be determined and carried forward by multiplying the loss by the corporation’s apportionment percentage as determined under this chapter for the taxable year in which the loss is sustained, with respect to the business that generated the loss, and is to be deducted by the corporation from its taxable net income allocated or apportioned to the commonwealth. The commissioner shall adopt rules or regulations to implement this section and to coordinate the application of this section with the other provisions of this chapter.

SECTION 153. Section 152 shall be effective for net operating losses and loss carry forwards determined or claimed as a deduction in tax years beginning on or after January 1, 2010. The commissioner or revenue may adopt rules or regulations to address any transition issues in implementing this section.".

The amendment was adopted.

Mr. Costello of Newburyport then moved to amend the bill by adding the following section:

"SECTION 154. Subsection (g) of section 11F of chapter 25A, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word 'megawatts' , in line 141, the following words:— or from solar photovoltaic or solar thermal electric energy sources having a power production capacity of not more than 6 megawatts.".

The amendment was adopted.

Messrs. Kafka of Stoughton and Galvin of Canton then moved that the bill be amended in section 17, after line 207, by inserting the following paragraph:

"(k) The MOBD shall work with the Massachusetts Department of Transportation to establish an economic development plan for the communities in which the construction of the South Coast Rail project is to be undertaken. Special consideration shall be given to the downtown regions of the communities which currently maintain an active commuter rail station and whose layout will be altered by said project, as well as exploration of opportunities to site agencies or businesses in the area of the rail stations for the purpose of economic development.".

The amendment was adopted.

Mr. Finegold of Andover then moved to amend the bill in section 47, in lines 891 and 892, by striking out the words "by the general public" and inserting in place thereof the words ", in whole or in part, by the general public or by representatives of member cities or towns".

The amendment was adopted.

Mr. Jones of North Reading and other members then moved to amend the bill by inserting after section 128 the following section:

"SECTION 128B. Notwithstanding any general or special law to the contrary, subsection (b) of section 39 of chapter 7 of the General Laws, as appearing in the 2008 Official Edition, is hereby suspended, beginning January 1, 2010, and ending December 31, 2012.".

The amendment was adopted.

Mr. Jones of North Reading and other members then moved to amend the bill by adding the following section:

"SECTION 154A. Notwithstanding any general or special act to the contrary, the operational services division within the executive office for administration and finance shall endeavor to ensure that in any fiscal year no less than 15% of statewide procurement contracts are entered into with small businesses. For the purposes of this section, small business shall mean a business entity, including its affiliates, that (i) is independently owned and operated; (ii) has a principal place of business in the commonwealth; and (iii) would be defined as a small business under applicable federal law.".

The amendment was adopted.

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Mr. Walsh of Lynn then moved to amend the bill in section 2B, in line 26, by inserting after the word "technologies" the words ", the chairs of the Joint Committee on State Administration and Regulatory Oversight"; and the amendment was adopted.

The same member then moved to amend the bill in section 18, in lines 305 and 306, by striking out the following "Section 11A½ of Chapter 30A" and inserting in place thereof the following "section 18 through section 25 of chapter 30A", and in line 306, by striking out the following "Section11A½" and inserting in place thereof the following "section 18".

The amendments were adopted.

Mr. Donato of Medford being in the Chair,—

Mr. Kaufman of Lexington then moved to amend the bill by adding the following section:

"SECTION 155. (a)(1) Notwithstanding any general or special law to the contrary, the commissioner of the department of revenue, in consultation with the executive office of housing and economic development, shall conduct a study on the costs and benefits of Section 89 and Section 95 and shall file a report with the clerks of the Senate and House of Representatives on or before October 15th of each year.

(a)(2) The report shall include an analysis of the impact on investment in Massachusetts based companies, including, but not limited to, the number of start-up companies created, the amount of investment in start-up companies, the number of jobs created and the impact on corporate income tax collections.

(b) The executive office of housing and economic development shall submit to the commissioner, on or before May 15th of each year, data the commissioner deems necessary to complete the report required in sections (a)(1) and (2).".

The amendment was adopted.

The same member then moved to amend the bill by inserting after section 94 the following section:

"SECTION 94A. Section 1 of said chapter 62C, as so appearing in the 2008 General Laws of Massachusetts, is hereby amended by adding the following definition:—

'Tax credit program', (i) the tax credit in subsection (j) of section 6 of chapter 62 and section 38Q of chapter 63; (ii) the dairy farmer tax credit in subsection (o) of said section 6 of said chapter 62 and the dairy farm tax credit in section 38Z of said chapter 63; (iii) the U.S.F.D.A. user fees credit in section 31M of said chapter 63 and subsection (n) of said section 6 of said chapter 62; (iv) the film tax credit in subsection (b) of section 38X of said chapter 63 and subsection (l) of said section 6 of said chapter 62; (v) the historic rehabilitation tax credit in section 38R of said chapter 63 and section 6J of said chapter 62; (vi) the life sciences investment tax credit in section 38U of said chapter 63 and subsection (m) of said section 6 of said chapter 62; (vii) the low-income housing tax credit in section 31H of said chapter 63 and section 6I of said chapter 62; (viii) the medical device tax credit in section 31L of said chapter 63 and section 6 1/2 of said chapter 62; (ix) the refundable research credit in subsection (j) of section 38M of said chapter 63; (x) the economic development incentive program in subsection (g) of said section 6 of said chapter 62 and sec-

tion 38N of said chapter 63; and (xi) any transferrable or refundable credits under chapter 62 and 63 established on or after July 1, 2010.".

The amendment was adopted.

Ms. Hogan of Stow then moved to amend the bill in section 4, in line 52, by inserting after the word "administration" the following "and shall give consideration to any impacts the plan may have on businesses employing 10 or fewer people".

The amendment was adopted.

Mr. Dempsey of Haverhill then moved to amend the bill:

In section 17, in line 169, by striking out the words "the primary" and inserting in place thereof the word "a";

In section 18, in line 393, by striking out the words "shall contract with another" and inserting in place thereof the following "shall contract with MOBD or a";

In section 25, in lines 581, 582 and 583, by striking out the definition of "small business" and inserting in place thereof the following:—

" 'Small business', shall mean any business that has less than 250 full-time equivalent employees";

In section 28, in line 594, by striking out the word "board" and inserting in place thereof the word "chair";

In section 40, in line 822, by inserting after the word "director" the words "or his designee";

By striking out section 45;

In section 89, in line 1689, by inserting after the word "investment" the following "and complies with subsections (e)(1), (e)(2), (e)(5), and (e)(6) of Section 1202 of the Internal Revenue Service Code", in line 1689, by striking out the following "3 years of more" and inserting in place thereof the following "3 years or more", in line 1691, by inserting after the word "incorporation" the following "and, to the extent consistent with the provisions of this subsection, shall be in stock in a corporation that satisfies the requirements for treatment as 'qualified small business stock' under section 1202(c) of the federal Internal Revenue Code (without regard to the requirement that the corporation be a 'C corporation')", and by striking out the paragraph contained in lines 1692, 1693 and 1694;

By striking out section 92 and inserting in place thereof the following section:

"SECTION 92. Said subsection (g) of said section 6 of said chapter 62, inserted by section 21 of chapter 166 of the acts of 2009, is hereby amended by striking out paragraph (1) inserting the following paragraph:

(1) A credit shall be allowed against the tax liability imposed by this chapter, to the extent authorized by the economic assistance coordinating council established in section 3B of chapter 23A, up to an amount equal to 50 per cent of such liability in any taxable year; provided, however, that the 50 per cent limitation shall not apply where the credit is refundable under paragraph (5): (i) for certified expansion projects and certified enhanced expansion projects, as defined in sections 3A and 3F of said chapter 23A, an amount up to 10 per cent, and (ii) for certified manufacturing retention projects, as defined in said sections 3A and 3F of said chapter 23A, an amount up to 40 per cent of the cost of property that would qualify for the credit allowed by section 31A

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of chapter 63 if the property were purchased by a manufacturing corporation or a business corporation engaged primarily in research and development and used exclusively in a certified project as defined in said sections 3A and 3F of said chapter 23A. A lessee may be eligible for a credit pursuant to this subsection for real property leased pursuant to an operating lease. If such property is disposed of or ceases to be in qualified use within the meaning of said section 31A of said chapter 63 or if such property ceases to be used exclusively in a certified project, as defined in said sections 3A and 3F of said chapter 23A, before the end of its useful life, the recapture provisions of subsection (e) of said section 31A of said chapter 63 shall apply and an amount determined thereunder shall be added to the tax imposed by this chapter.

The total amount of credits that may be authorized by the economic assistance coordinating council in a calendar year pursuant to this section and section 38N of chapter 63 shall not exceed an annual cap equal to $25,000,000 minus the credits granted and carryforwards of credits from prior years pursuant to subsection (q)(5) of section of 6 of this chapter and section 38BB(5) of said chapter 63, and shall include: (1) refundable credits granted during the year pursuant to this section or said section 38N of said chapter 63; (2) nonrefundable credits granted during the year pursuant to this section or said section 38N of said chapter 63, to the extent that such nonrefundable credits are estimated by the commissioner to offset tax liabilities during the year; and (3) carryforwards of credits from prior years pursuant to this section or said section 38N of said chapter 63, to the extent that such credit carryforwards are estimated by the commissioner to offset tax liabilities during the year. Of these allowable credits, the economic assistance coordinating council may award not more than $5,000,000 in a calendar year to certified enhanced expansion projects as defined in sections 3A and 3F of chapter 23A, and not more than $5,000,000 for certified manufacturing retention projects as defined in said sections 3A and 3F of said chapter 23A. Any portion of the annual cap not awarded by the economic assistance coordinating council in a calendar year shall not be applied to awards in a subsequent year. The economic assistance coordinating council shall provide the commissioner of revenue with any documentation that the commissioner deems necessary to confirm compliance with the annual cap and the commissioner shall provide a report confirming compliance with the annual cap to the secretary of administration and finance and the secretary of housing and economic development.";

In section 95, in line 1769, by inserting after the word "on" the words "or after";

By striking out section 96 and inserting in place thereof the following section:

"SECTION 96. Section 38N of chapter 63, inserted by section 23 of chapter 166 of the acts of 2009, is hereby amended by striking out subsection (a) and inserting in place thereof the following:

(a) A corporation subject to tax under this chapter that participates in a certified project as defined in sections 3A and 3F of chapter 23A, may take a credit against the excise imposed by this chapter to the extent authorized by the economic assistance coordinating council established by section 3B of said chapter 23A, in an amount not to exceed 50 per cent of such liability in a taxable year; provided, how-

ever, that the 50 per cent limitation shall not apply if the credit is refundable under subsection (b): (i) for certified expansion projects and certified enhanced expansion projects, as defined in said sections 3A and 3F of said chapter 23A, an amount up to 10 per cent; and (ii) for certified manufacturing retention projects, as defined in said sections 3A and 3F of said chapter 23A, an amount up to 40 per cent of the cost of any property that would qualify for the credit allowed by section 31A if the property were purchased by a manufacturing corporation or a business corporation engaged primarily in research and development and is used exclusively in a certified project as defined in said sections 3A and 3F of said chapter 23A. A lessee may be eligible for a credit pursuant to this subsection for real property leased pursuant to an operating lease.

The total amount of credits that may be authorized by the economic assistance coordinating council in a calendar year pursuant to subsection (g) of section 6 of chapter 62 and this section shall not exceed an annual cap equal to $25,000,000 minus the credits granted and carryforwards of credits from prior years pursuant to section 38BB(5) of this chapter and subsection (q)(5) of section 6 of chapter 62, and shall include: (1) refundable credits granted during the year pursuant to said subsection (g) of said section 6 of said chapter 62 or this section; (2) nonrefundable credits granted during the year pursuant to said subsection (g) of said section 6 of said chapter 62 or this section, to the extent that such nonrefundable credits are estimated by the commissioner to offset tax liabilities during the year; and (3) carryforwards of credits from prior years pursuant to said subsection (g) of said section 6 of said chapter 62 or this section, to the extent that such credit carryforwards are estimated by the commissioner to offset tax liabilities during the year. Of these allowable credits, the economic assistance coordinating council may award not more than $5,000,000 in a calendar year to certified enhanced expansion projects as defined in sections 3A and 3F of chapter 23A and not more than $5,000,000 for certified manufacturing retention projects as defined in said sections 3A and 3F of said chapter 23A. Any portion of the annual cap not awarded by the economic assistance coordinating council in a calendar year shall not be applied to awards in a subsequent year. The economic assistance coordinating council shall provide the commissioner with any documentation that the commissioner deems necessary to confirm compliance with the annual cap and the commissioner shall provide a report confirming compliance with the annual cap to the secretary of administration and finance and the secretary of housing and economic development.

The credit allowed under this section may be taken by an eligible corporation; provided, however, that the credit allowed by section 31A or section 31H shall not be taken by such corporation. For purposes of this paragraph, the corporation need not be a manufacturing corporation or a business corporation engaged primarily in research and development. If such property is disposed of or ceases to be in qualified use within the meaning of said section 31A or if such property ceases to be used exclusively in a certified project before the end of its useful life, the recapture provisions of subsection (e) of said section 31A shall apply.

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As used in this paragraph, 'EACC' shall mean the economic assistance coordinating council established in section 3B of chapter 23A. A credit allowed under this section may be taken only after the taxpayer completes a report signed by an authorized representative of the corporation and files the report with the EACC within 2 years after the initial project certification by the EACC and annually thereafter. The report shall contain pertinent employment data needed to determine whether the taxpayer has reasonably satisfied the employment projections set forth in its original project proposal granted pursuant to section 3F of said chapter 23A. Paragraph (3) of section 3F of said chapter 23A shall apply to tax benefits awarded under this section. Nothing in this section shall limit the authority of the commissioner to make adjustments to a corporation's liability upon audit.";

In section 125, in line 2034, by striking out the year "1956" and inserting in place thereof the year "1968";

In section 128, in line 2141, by inserting before the word "Notwithstanding" the following "SECTION 128A", and in said line, by striking out the words "the comptroller" and inserting in place thereof the words "the Massachusetts Development Finance Agency";

In section 129, in lines 2144 to 2145, by striking out the following "90 to 99, 101 to 112, 115 to 117, and 119 to 128" and inserting in place thereof the following "90, 91, 94, 95, 98, 99, 101 to 112, 115 to 117, 119, 121 to 123, and 125 to 128";

In section 130, in line 2146, by striking out the following "and section 118" and inserting in place thereof the following ", 118, 120 and 124"; and

By adding the following ten sections:

"SECTION 157. To meet the expenditures necessary in carrying out section 2A, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, $75,000,000. All such bonds issued by the commonwealth shall be designated on their face, Job Creation by Small Business Act of 2010, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than June 30, 2045. All interest and payments on account of principal on these obligations shall be payable from the General Fund. Bonds and interest thereon issued under this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

SECTION 158. Section 5 of chapter 23A of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in line 9, the words ', in the department of economic development'.

SECTION 159. Section 6 of said chapter 23A, as so appearing, is hereby amended by striking out, in line 2, the words 'of economic development'.

SECTION 160. Notwithstanding any other general or special law to the contrary a stock purchase agreement between the commonwealth and the Community Development Finance Corporation, or CDFC, in existence on the effective date of this act which contains outstanding

obligations on the part of the commonwealth and which has been pledged as security for the payment of debt obligations issued by the CDFC which are also outstanding on the effective date of this act shall continue to constitute a general obligation of the commonwealth for which the faith and credit of the commonwealth remains pledged for the benefit of the CDFC and of the holders of said debt obligations of the CDFC until the terms of said debt obligations are satisfied.

SECTION 161. (a) Notwithstanding any general or special law to the contrary, this section shall facilitate the orderly transfer of the employees, proceedings, rules and regulations, property and legal obligations of the following functions of state government from the transferor agency to the transferee agency, defined as follows: (1) the functions of the Massachusetts Sports and Entertainment Commission, as the transferor agency, to the Massachusetts marketing partnership, as the transferee agency; (2) the functions of the Community Development Finance Corporation and the Economic Stabilization Trust, as transferor agencies, to the Massachusetts Growth Capital Corporation, as the transferee agency; (3) the functions of the department of business development, as the transferor agency, to the Massachusetts office of business development, as the transferee agency; (4) the functions of the office of travel and tourism in the department of business development, as the transferor agency, to the office of travel and tourism in the Massachusetts marketing partnership, as the transferee agency; (5) the functions of the office of international trade and investment in the department of business development, as the transferor agency, to the Massachusetts international trade office in the Massachusetts marketing partnership, as the transferee agency; and (6) the function of the office of small business and entrepreneurship, as the transferor agency, to the Massachusetts Office of Business Development, as the transferee agency.

(b) The employees of each transferor agency, including those who immediately before the effective date of this act hold permanent appointment in positions classified under chapter 31 of the General Laws or have tenure in their positions as provided by section 9A of chapter 30 of the General Laws or do not hold such tenure, or hold confidential positions, are hereby transferred to the respective transferee agency, without interruption of service, without impairment of seniority, retirement or other rights of the employee, and without reduction in compensation or salary grade, notwithstanding any change in title or duties resulting from such reorganization, and without loss of accrued rights to holidays, sick leave, vacation and benefits.

The reorganization shall not impair the civil service status of any such reassigned employee who immediately before the effective date of this act either holds a permanent appointment in a position classified under chapter 31 of the General Laws or has tenure in a position by reason of section 9A of chapter 30 of the General Laws.

Notwithstanding the provisions of any general or special law to the contrary, all such employees shall continue to retain their right to collectively bargain under chapter 150E of the General Laws and shall be considered employees for the purposes of said chapter 150E. Nothing in this section shall be construed to confer upon an employee a right not held immediately before the date of said transfer, or to prohibit a

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reduction of salary grade, transfer, reassignment, suspension, discharge, layoff or abolition of position not prohibited before such date.

(c) All petitions, requests, investigations and other proceedings appropriately and duly brought before each transferor agency or duly begun by each transferor agency and pending before it before the effective date of this act, shall continue unabated and remain in force, but shall be assumed and completed by the transferee agency.

(d) All orders, rules and regulations duly made and all approvals duly granted by each transferor agency, which are in force immediately before the effective date of this act, shall continue in force and shall thereafter be enforced, until superseded, revised, rescinded or canceled, in accordance with law, by the transferee agency.

(e) All books, papers, records, documents, equipment, buildings, facilities, cash and other property, both personal and real, including all such property held in trust, which immediately before the effective date of this act are in the custody of each transferor agency shall be transferred to the transferee agency.

(f) All duly existing contracts, leases and obligations of each transferor agency shall continue in effect but shall be assumed by the respective transferee agency. No existing right or remedy of any character shall be lost, impaired or affected by this act.

SECTION 162. Sections 92, 93, 96 and 97 shall take effect January 1, 2011.

SECTION 163. The provisions of section 89 of this act shall not be deemed severable. If any of its provisions shall be held to be invalid or unconstitutional by any court of competent jurisdiction, all of the provisions of this section shall be deemed to be void.

SECTION 164. Subsection (b) of section 21 of chapter 62C of the General Laws, as most recently amended by section 34 of chapter 27 of the Acts of 2009, is hereby further amended by adding the following clause:—

(26) the disclosure to members of the Joint Enforcement Task Force on the Underground Economy and Employee Misclassification, established by Executive Order 499, of information relating to the classification by a business entity of individuals providing services to such business entity as employees or independent contractors, including but not limited to information relating to the business entity's withholding or failure to withhold personal income tax pursuant to chapter 62B with respect to payments to particular individuals and the amount of any such payments or withholding.

SECTION 165. Section 1 of chapter 63 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended in subsection (b) of the definition of 'Net Income' by striking out the words 'other taxable years' and inserting in place thereof the following words:— taxable years beginning before January 1, 2012.

SECTION 166. Subsection (1)(b)(ii) of section 52A of chapter 63 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the words 'other taxable years' and inserting in place thereof the following words:— taxable years beginning before January 1, 2012.".

The amendments were adopted.

Mr. Walsh of Lynn then moved to amend the bill by adding the following four sections:

"SECTION 167. Section 6(j)(1) of Chapter 62 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking the words 'on or before August 5, 2011', in line 2 and adding the following words in place thereof:— on or before August 5, 2013.

SECTION 168. Section 6(j)(1) of Chapter 62 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking the words 'January 1, 2012' and inserting in place thereof:— January 1, 2014.

SECTION 169. Section 38(Q)(a) of Chapter 63 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by deleting the words 'on or before August 5, 2011', in lines 1 and 2, and adding in place thereof the words:— on or before August 5, 2013.

SECTION 170. Section 38(Q)(a) of said Chapter 63, as so appearing, is hereby further amended by deleting the words 'between August 1, 1988 and January 1, 2012', in lines 5 and 6 and adding in place thereof the words:— between August 1, 1998 and January 1, 2014.".

The amendment was adopted.

Mr. Jones of North Reading and other members then moved to amend the bill by adding the following six sections:

"SECTION 171. Notwithstanding any general or special law to the contrary, for the days of August 14, 2010 and August 15, 2010, an excise shall not be imposed upon nonbusiness sales at retail of tangible personal property, as defined in section 1 of chapter 64H of the General Laws. For the purposes of this act, tangible personal property shall not include telecommunications, tobacco products subject to the excise imposed by chapter 64C of the General Laws, gas, steam, electricity, motor vehicles, motorboats, meals or a single item the price of which is in excess of $2,500.

SECTION 172. Notwithstanding any general or special law to the contrary, for the days of August 14, 2010 and August 15, 2010, a vendor shall not add to the sales price or collect from a nonbusiness purchaser an excise upon sales at retail of tangible personal property, as defined in section 1 of chapter 64H of the General Laws. The commissioner of revenue shall not require a vendor to collect and pay excise upon sales at retail of tangible personal property purchased on August 14, 2010 and August 15, 2010. An excise erroneously or improperly collected during the days of August 14, 2010 and August 15, 2010, shall be remitted to the department of revenue. This section shall not apply to the sale of telecommunications, tobacco products subject to the excise imposed by chapter 64C of the General Laws, gas, steam, electricity, motor vehicles, motorboats, meals or a single item the price of which is in excess of $2,500.

SECTION 173. Reporting requirements imposed upon vendors of tangible personal property, by law or by regulation, including, but not limited to, the requirements for filing returns required by chapter 62C of the General Laws, shall remain in effect for sales for the days of August 14, 2010, and August 15, 2010.

SECTION 174. On or before December 31, 2010, the commissioner of revenue shall certify to the comptroller the amount of sales tax for-

Economic development reorganization.

gone, as well as new revenue raised from personal and corporate income taxes and other sources, pursuant to this act. The commissioner shall file a report with the joint committee on revenue and the house and senate committees on ways and means detailing by fund the amounts under general and special laws governing the distribution of revenues under chapter 64H of the General Laws which would have been deposited in each fund, without this act.

SECTION 175. The commissioner of revenue shall issue instructions or forms, or promulgate rules or regulations, necessary for the implementation of this act.

SECTION 176. Eligible sales at retail of tangible personal property under sections 1 and 2 are restricted to those transactions occurring on August 14, 2010 and August 15, 2010. Transfer of possession of or payment in full for the property shall occur on 1 of those days, and prior sales or layaway sales shall be ineligible.".

Amendment adopted,—yea and nay No. 426.

On the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Pedone of Worcester; and on the roll call 136 members voted in the affirmative and 13 in the negative.

[See Yea and Nay No. 426 in Supplement.]

Therefore the amendment was adopted.

Mr. Mariano of Quincy then moved to amend the bill by adding the following two sections:

"SECTION 177. Subsection (c)(3) of section 32B of Chapter 63 of the General Laws, as enacted by chapter 173 of the Acts of 2008, is hereby amended by inserting the following clause at the end thereof:—

(iv) Where a combined group determines its taxable net income or loss on a water's edge basis, an item of income of a corporation that is organized outside of the United States shall not be included in the combined group's taxable income to the extent that such item is exempt from US federal income tax by virtue of the provisions of a federal income tax treaty. Any items of expense and apportionment factors related to such item of exempt income shall be excluded in the determination of taxable net income or loss to the extent provided in regulations issued by the commissioner. However, any such item of exempt income shall be taken into account for purposes of determining whether the corporation is included in the water's edge group pursuant to clauses (ii) or (iii). If a corporation organized outside of the United States is included in a water's edge combined group and has an item of income that is exempt from US federal income tax by virtue of the provisions of a federal tax treaty, the corporation shall be considered to be included in the combined group pursuant to that clause only with regard to any items of income described in that clause that are not so exempt, taking into account items of expense and apportionment factors associated with such items of non-exempt income to the extent provided by regulations issued by the commissioner. Nothing in this clause shall prevent the Commissioner from adjusting, pursuant to sections 31I, 31J, 31K, or 39A of this chapter, section 3A of chapter 62C, or any other provision of law, any deduction claimed by the payer for amounts that are excluded from the combined group's taxable income in accordance with this clause. The Commissioner may require the reporting of the amounts of such excluded income and the documenta-

tion of any claimed treaty exemption as conditions to be met by a payer claiming a deduction of such payments.

SECTION 178. Section 177 shall apply to taxable years beginning on or after January 1, 2009.".

The amendment was adopted.

Ms. Wolf of Cambridge then moved to amend the bill by striking out section 105.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Lewis of Winchester; and on the roll call 40 members voted in the affirmative and 108 in the negative.

Amendment rejected,— yea and nay No. 427.

[See Yea and Nay No. 427 in Supplement.]

[Mr. Madden of Nantucket answered "Present" in response to his name.]

Therefore the amendment was rejected.

Mr. Michlewitz of Boston then moved to amend the bill by striking out section 105 and inserting in place thereof the following section:

"SECTION 105. Chapter 305 of the Acts of 2008 are amended in Section 14, subsection 2(1)(c) by adding after the word 'setting' the words:— or a restaurant licensed pursuant to Chapter 140 of the Massachusetts General Laws; or".

The amendment was rejected.

Mr. Walsh of Lynn then moved to amend the bill by adding the following three sections:

"SECTION 179. Section 184B of chapter 94 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the eighth paragraph and inserting in place thereof the following paragraph:—

'Food department', any seller other than a food store or warehouse club with any grocery item section, area, or display and which sells one hundred or more different food items for consumption off the seller's premises at least in part to individuals for their own personal, family, or household use; provided, however, that any food section which is within a larger business and is the functional equivalent of a supermarket with its own separate checkout, may be deemed a food store by the director of standards.

SECTION 180. Section 184B of said Chapter 94, as so appearing, is hereby further amended by striking out the ninth paragraph and inserting in place thereof the following paragraph:—

'Food store', any store, shop, supermarket, grocer, convenience store, or other seller whose primary business is selling either food for consumption off the seller's premises alone or in combination with grocery items or other nondurable items typically found in a supermarket, and such items are sold at least in part to individuals for their own personal, family, or household use. For purposes of this section and sections 184C to 184E, a warehouse club shall not be considered a food store.

SECTION 181. Section 184B of said Chapter 94, as so appearing, is hereby further amended by adding the following final paragraph:—

'Warehouse club', a retail store in which customers pay annual membership fees in order to purchase items at member-only prices.".

Economic development reorganization.

Pending the question on adoption of the amendment, Ms. Forry of Boston moved that it be amended by adding at the following three sections:

"SECTION 182. The definition of 'food store' in said section 184B of said chapter 94, as amended by section 180, is hereby further amended by striking the words 'For purposes of this section and sections 184C to 184E, a warehouse club shall not be considered a food store.'

SECTION 183. The definition of 'warehouse club' in said section 184B of said chapter 94, as amended by section 181, is hereby repealed.

SECTION 184. Sections 182 and 183 shall take effect on December 1, 2011.".

The further amendment was adopted.

The amendment, as amended, then also was adopted.

Bill passed to be engrossed,—yea and nay No. 428.

On the question on passing the bill, as amended, to be engrossed, in concurrence, the sense of the House was taken by yeas and nays at the request of Mr. Dempsey of Haverhill; and on the roll call 145 members voted in the affirmative and 4 in the negative.

[See Yea and Nay No. 428 in Supplement.]

Therefore the bill, as amended, was passed to be engrossed, in concurrence (for text of bill as amended by the House, see House, No. 4863, published as amended). The bill (Senate, No. 2380, amended) then was sent to the Senate for concurrence in the amendment.

Orders of the Day.

House bills

Third reading bills.

Relative to certain banking laws (House, No. 4341) (its title having been changed by the committee on Bills in the Third Reading);

Relative to seawalls in the town of Duxbury (House, No.4655); and

Authorizing the town of Amesbury to grant additional licenses for the sale of all alcoholic beverages (House, No. 4818);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Senate bills

Second reading bills.

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

Authorizing a certain question relative to a charter revision in the town of Palmer to be placed on the state election ballot (Senate, No. 2352);

Relative to the sale of antique barometers, thermometers and clocks (Senate, No. 2403); and

Relating to safety regulations for school athletic programs (Senate, No. 2469); and

House bills

Further regulating the appointment of certain guardians (House, No. 1513);

Relative to the development of air rights over the Massachusetts Turnpike (House, No. 3364);

Relative to apprentice training (House, No. 4580);

Establishing the Caleb Chase revenue account for the town of Harwich (House, No. 4587);

Relative to room occupancy excise tax in the town of Provincetown (House, No. 4653);

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

Authorizing the town of Westford, acting by and through its conservation commission, to lease a certain parcel of land for camp purposes (House, No. 4662);

Authorizing the city of Boston parks and recreation commission to lease certain real property under its control and owned by the city of Boston (House, No. 4663);

Providing for the leasing and construction of improvements to the North Branch Library and East Branch Library Buildings in the town of Watertown. (House, No. 4667);

Authorizing the city of Gardner to convey certain land under the control of the Gardner Conservation Commission (House, No. 4679);

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

Establishing a linkage extraction program in the city of Everett (House, No. 4696);

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

Authorizing the town of Sudbury to enter into or extend wireless facility contracts or leases for periods in excess of twenty years (House, No. 4715);

Establishing a sick leave bank for Susan Spera (House, No. 4717);

Authorizing the town of Sudbury to enter into long-term energy related leases / contracts including power purchase agreements (House, No. 4718);

Authorizing the town of Westborough to remove a condition of a full liquor license (House, No. 4735);

Authorizing the town of Winthrop and the Winthrop Housing Authority to grant certain easements for underground electric and intelligence transmission and distribution cables (House, No. 4766); and

Relative to cutting down, trimming or removing bushes and small trees (House, No. 4791).

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

Second reading bill amended.

The recommitted House Bill improving coordination of the youth workforce development system in the Commonwealth House, No. 4624) was considered, the question being on ordering the bill to a third reading.

The amendment previously recommended by the committee on Labor and Workforce Development,— that the bill be amended by substitution of a bill with the same title (House, No. 4724),— was adopted.

The substituted bill then was ordered to a third reading.

Second reading bill amended.

The Senate Bill establishing an organ and tissue donor registration fund (Senate, No. 2515, amended) was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4860,— was adopted.

The bill (Senate, No. 2515, amended) then was ordered to a third reading.

Id.

The House Bill relative to post partum depression (House, No. 4668) was read a second time.

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. 4859),— was adopted.

The substituted bill then was ordered to a third reading.

George M. Sanborn Library.

The House Bill naming the state transportation library the George M. Sanborn Library (House, No. 3266), 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, Ms. Malia of Boston moved to amend it in lines 2 and 3 by striking out the words "Library and shall remain such as long as it is maintained for a library collection" and inserting in place thereof the following "transportation library and resource center in memory of George M. Sanborn. The Massachusetts Department of Transportation shall place a suitable marker bearing this designation in compliance with standards of the department.".

The amendment was adopted; and the bill (House, No. 3266, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Maria Hudson,— sick leave bank.

The House Bill establishing a sick leave bank for Maria Hudson, an employee of the Department of Revenue (House, No. 4797) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Pedone of Worcester moved to amend it by adding 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. 4797, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

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

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at eleven minutes before eight 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 next day at one o'clock P.M.

Thursday, July 8, 2010.

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

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

Prayer.

Eternal God, our personal intention for this and for everyday is to serve You, our constituents and our own families in a faithful and conscientious manner. With Your assistance we believe that we will be successful in carrying out our intention. In Your goodness help us to develop an enthusiasm and a right conscience as we struggle with the legislative items which come before us as elected leaders. Inspire us to be guided in making our decisions of traditional principles and solid values which recognize the dignity of each individual and importance of promoting the common good of all. In dealing with sensitive and controversial matters, we pray for patience, integrity of mind and heart, independence of judgment and a spirit of good will. In resolving current legislative challenges may we be aware of the needs of future generations.

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.

Resolutions.

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

Nathan H. Borstel.

Resolutions (filed by Mr. Vallee of Franklin) congratulating Nathan H. Borstel on receiving the Eagle Award of the Boy Scouts of America;

Timothy B. Dobday.

Resolutions (filed by Mr. Vallee of Franklin) congratulating Timothy B. Dobday on receiving the Eagle Award of the Boy Scouts of America;

Andy Gala.

Resolutions (filed by Mr. Barrows of Mansfield) congratulating Andy Gala on the occasion of his retirement as Foxborough's town manager;

James and Viola Imbrogna.

Resolutions (filed by Mr. Dwyer of Woburn) congratulating Mr. and Mrs. James Imbrogna on the occasion on their fiftieth wedding anniversary;

M. Ruth Shea.

Resolutions (filed by Mr. Fresolo of Worcester) congratulating M. Ruth Shea on the occasion of her ninetieth birthday; and

Pearle L. Crawford Library.

Resolutions (filed by Mr. Kujawski of Webster) congratulating the town of Dudley on the occasion of the grand opening of the new Pearle L. Crawford Memorial Library;

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.

Petition.

Acton,—water acquisition.

Ms. Benson of Lunenburg presented a petition (subject to Joint Rule 12) of Jennifer E. Benson and James B. Eldridge that the water supply district of the town of Acton be prohibited from acquiring sources for the supply of water located in the town of Boxborough; and the same was referred, under Rule 24, to the committee on the Rules.

Papers from the Senate.

Norwood,—Veteran's Post.

The House Bill authorizing the town of Norwood to acquire a certain parcel of real estate from the Veterans of Foreign Wars, Norwood 2452, Inc. and to lease the same to the post and certain other veterans' organizations (House, No. 4383), came from the Senate passed to be engrossed, in concurrence, with amendments in section 1, in line 1, and in section 2, in line 5, by adding after the word "Laws", in each instance, the following ", but subject to subsections (a), (b) and (g) of section 16 of said chapter 30B,".

Under suspension of Rule 35, on motion of Mr. Rogers of Norwood, 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.

Great Barrington,—police chief.

The Senate Bill exempting the position of chief of police of the town of Great Barrington from the provisions of civil service law (Senate, No. 2332) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Holly Ann Beaumier,—sick leave bank.

A petition of Gale D. Candaras and Brian M. Ashe for legislation to establish a sick leave bank for Holly Ann Beaumier, an employee of the office of Medicaid, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2538) was referred, in concurrence, to the committee on Public Service.

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 following petitions:

Cheryl A. Cole,—sick leave bank.

Petition (accompanied by bill) of Stephen Stat Smith that the Department of Health and Human Services be authorized to establish a sick leave bank for Cheryl A. Cole, an employee of said department. To the committee on Public Service.

Agawam,—drag racing.

Petition (accompanied by bill) of Rosemary Sandlin (with the approval of the mayor and town council) for legislation to authorize the town of Agawam to regulate "drag racing" by motor vehicles within said town. To the committee on Transportation.

Under suspension of the rules, on motion of Mr. Smith of Everett, the reports were considered forthwith. Joint Rule 12 was suspended, in each instance. Severally sent to the Senate for concurrence.

Mercury recycling program.

Report of the committee on Environment, Natural Resources and Agriculture, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 726) of Mark V. Falzone and others that manufacturers of mercury-added lamps implement a recycling program;

Forested lands,—clear cutting.

Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 765) of Peter V. Kocot for legislation to prohibit the clear cutting of certain forested lands;

Timber harvesting.

Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 813) of Robert L. Rice, Jr., and others relative to timber harvesting activities on forestlands;

Diesel emissions,—reduction.

Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 854) of Alice K. Wolf and others relative to reducing diesel emissions from certain construction vehicles;

Id.

Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 3440) of Cheryl A. Coakley-Rivera and others relative to the reduction of particulate emissions from diesel engines; and

Hazardous waste,—toxic fire retardants.

Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 3881) of Jennifer M. Callahan and others for legislation to include toxic fire retardant prevention products under the hazardous waste laws;

Under suspension of the rules, in each instance, on a motion of Mr. Straus of Mattapoisett, the reports severally were considered forthwith.

Pending the question, in each instance, on acceptance of the report, the petitions were recommitted, on further motion of the same member.

Elder Affairs,—study.

By Ms. Wolf of Cambridge, for the committee on Elder Affairs, on Senate, Nos. 302, 313, 314, 315, 321, 326, 329 and House, Nos. 531, 532, 548, 549, 550, and 3437, an Order relative to authorizing the committee on Elder Affairs to make an investigation and study of Senate and House documents concerning elder issues (House, No. 4861) [Mr. Ross of Wrentham dissenting].

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 said 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.

By Mr. Sánchez of Boston, for the committee on Public Health, on a petition, a Bill relative to death benefit claims (House, No. 4812). Referred, under Joint Rule 1E, to the committee on Health Care Financing. Death benefit claims.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on House, No. 757, a Bill for a competitive economy through safer alternatives to toxic chemicals (House, No. 4865). Toxic chemicals,—safe alternatives.

By Mr. Keenan of Salem, for the committee on Tourism, Arts and Cultural Development, on a petition, a Bill relative to the certification of Hull Public Library (House, No. 4779) [Local Approval Received]. Hull,—library certification.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Ms. Stanley of West Newbury, for the committee on Health Care Financing, that the Bill reducing medical errors and improving patient safety (House, No. 4720) ought to pass with an amendment by substitution of a bill with the same title (House, No. 4862) [Cost: Greater than $100,000.00]. Read; and referred, under Rule 33, to the committee on Ways and Means, with the amendment pending. Medical errors.

By Ms. Stanley of West Newbury, for the committee on Health Care Financing, that the Bill to protect farm viability (House, No. 3477) ought to pass. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Farm viability.

Engrossed Bills.

Engrossed bills

Relative to the provision of notice of the availability of the annual finance committee report (see House, No. 1901); Bills enacted.

Designating a certain bridge in the town of Westminster as the Ryan Patrick Jones Bridge (see House, No. 4437); and

Authorizing James M. McGarry to continue to serve as police chief in the town of Sheffield (House, No. 4487);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Recess.

At nineteen minutes before two o'clock P.M., on motion of Mr. Pedone of Worcester (Mr. Donato of Medford being in the Chair), the House recessed until ten minutes after two o'clock; and at eleven minutes before three o'clock the House was called to order with Mr. Vallee of Franklin in the Chair. Recess.

Orders of the Day.

Senate bills

Amending the charter of the town of Winchendon (Senate, No. 2333); and Third reading bills.

Relative to the North Carver Water District (Senate, No. 2348);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and passed to be engrossed, in concurrence.

Third reading bills.

House bills

Relative to the number of town meeting members among precincts in the town of Shrewsbury (House, No. 4305) (its title having been changed by the committee on Bills in the Third Reading); and

Promoting fairness in private construction contracts (House, No. 4721).

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and passed to be engrossed. Severally sent to the Senate for concurrence.

Second reading bills.

House bills

Relative to public procurement (House, No. 12);

Authorizing employees of the Inspector General's Office to participate in representative town meeting (House, No. 13);

To re-train disabled firefighters (House, No. 4463);

Amending and updating the Foxborough Sewer Act (House, No. 4680);

Relative to the composition of the licensing board for the city of Pittsfield (House, No. 4682);

Establishing a sick leave bank for Meghan Savage (House, No. 4798);

Authorizing the town of Danvers to grant an additional license for the sale of wine and malt beverages (House, No. 4816);

Authorizing the town of Danvers to grant an additional license for the sale of wine and malt beverages (House, No. 4817); and

The House Resolve declaring Chapter 397 of the Acts of 2008 "Darnell's Law" (House, No. 1139).

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

Paper from the Senate.

Westwood,—liquor licenses.

The House Bill authorizing the town of Westwood to grant 3 licenses for the sale of wines and malt beverages to food stores (House, No. 4089), came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1, in line 18, by inserting after the word "be" the words "lawfully operating as a commercial business" (previously inserted by the House committee on Bills in the Third Reading).

Under suspension of Rule 35, on motion of Mr. McMurtry of Dedham, 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.

Orders of the Day.

Student athletes,—head injuries.

The Senate Bill relative to safety regulations for school athletic programs (Senate, No. 2469) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Mr. Pedone of Worcester then moved to amend the bill by striking out section 2; and by inserting before the enacting clause the following emergency preamble:

"*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to enhance forthwith the public health of school athletes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health.".

The amendments were adopted.

After remarks on the question on passing the bill, as amended, to be engrossed, in concurrence, the sense of the House was taken by yeas and nays at the request of Mr. Kujawski of Webster; and on the roll call (Mr. Vallee of Franklin being in the Chair) 148 members voted in the affirmative and 0 in the negative.

Bill passed to be engrossed,—yea and nay No. 429.

[See Yea and Nay No. 429 in Supplement.]

Therefore the bill (Senate, No. 2469, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendments.

Report of Committee.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to changing the name "state college" to "state university" (House, No. 4560) ought to pass with an amendment substituting therefore a Bill relative to state universities (House, No. 4864). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

State universities.

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

Under suspension of Rule 7A, on motion of Mr. Torrisi of North Andover, 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.

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.

After debate on the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays at the request of Mr. Torrisi; and on the roll call (Mr. Vallee of Franklin being in the Chair) 126 members voted in the affirmative and 21 in the negative.

Bill passed to be engrossed,—yea and nay No. 430.

[See Yea and Nay No. 430 in Supplement.]

Therefore the bill (House, No. 4864) was passed to be engrossed. Sent to the Senate for concurrence.

Engrossed Bills.

Mr. Donato of Medford being in the Chair,—

Engrossed bills

Relative to the North Carver Water District (see Senate, No. 2348, amended) (which originated in the Senate); and

Bills enacted.

Authorizing the town of Norwood to acquire a certain parcel of real estate from the Veterans of Foreign Wars, Norwood 2452, Inc. and to lease the same to the post and certain other veterans' organizations (House, No. 4383, amended) (which 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.

Orders of the Day.

Plymouth,—land.

The House Bill relative to a transfer of land in the town of Plymouth (House, No. 4264) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Pedone of Worcester moved to amend it in section 1 by adding the following sentence "The town of Plymouth, acting through its board of selectmen, may transfer Parcel A, upon such terms and conditions as it deems appropriate, including for nominal consideration, to cure inadvertent encroachments on the trust property that were created when said town acquired this parcel as part of its purchase of the 78.56 acres for open space and conservation purposes.".

The amendment was adopted; and the bill (House, No. 4264, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Funeral processions.

The Senate Bill further regulating funeral processions (Senate, No. 1884, amended) 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.

House bills

Susan Spera.

Establishing a sick leave bank for Susan Spera, an employee of the Department of Developmental Services (House, No. 4717) (its title having been changed by the committee on Bills in the Third Reading); and

Bond payments.

Relative to the bond amount paid by gasoline distributors, unclassified importers and unclassified exporters (House, No. 4729) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Special Communication.

The Speaker being in the Chair,—

The following communication, together with returns of votes and schedules therein referred to, was received from the Secretary of the Commonwealth, to wit:—

July 8, 2010.

To the Honorable House of Representatives:

Returns of votes for Representative,—Sixteenth Essex District.

I have the honor to lay before you the returns of votes cast at the special election held in this Commonwealth on the fifteenth day of June, 2010, for Representative in the General Court, 16th Essex District, together with schedules showing the number of ballots which appear to have been cast for each person voted for.

These returns have been duly canvassed by the Governor and Council, and are now transmitted for examination by the House of Representatives, as required by the Constitution.

Very truly yours,

WILLIAM FRANCIS GALVIN,
Secretary of the Commonwealth.

The communication was read; and, there being no objection, it was placed on file.

Member Qualified.

Representative-elect Marcos A. Devers,— qualification.

Soon afterward, under escort of the Sergeant-at-Arms, His Excellency the Governor, accompanied by the Honorable Executive Council came in; the oaths and affirmation required by the Constitution and laws were administered by the Governor to the member-elect then present, Marcos A. Devers, and were subscribed by him; afterward which His Excellency declared that the member was duly qualified to enter upon the discharge of his duties.

After brief remarks by Mr. Devers, he was assigned seat No. 49 by the Speaker.

His Excellency the Governor, and the Honorable Council then departed the Chamber under escort of the Sergeant-at-Arms.

Order.

Mr. Donato of Medford being in the Chair,—

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

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

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at ten minutes after five o'clock P.M., on motion of Mr. Hill of Ipswich (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.

Monday, July 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.

Eternal God, at the beginning of this new legislative workweek, we look to You for guidance as we organize our priorities and duties for this week. In prayer we ask for Your assistance so that our choices and decisions will be right, ethical and appropriate for these uneasy political and economic times. Teach us to be concerned with the issues in our own districts, the needs of the Commonwealth and of all the people. May we be aware of the consequences of all our decisions and choices now and in the future. Inspire us to work together in resolving the legislative and administrative matters which we face as elected officials so that our communities will enjoy peace, prosperity and a bright future.

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.

Messages from the Governor.

Supplemental appropriations.

A message from His Excellency the Governor recommending legislation relative to making appropriations for Fiscal Year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4868) was filed in the Office of the Clerk on Friday, July 9, 2010.

The message was read; and it was referred, under Rule 30, to the committee on Ways and Means.

Bonds.

A message from His Excellency the Governor (under the provisions of Section 3 of Article LXII of the Amendments to the Constitution) recommending legislation relative to providing the terms of certain bonds and notes to be issued by the Commonwealth (House, No. 4869) was filed in the Office of the Clerk on Thursday, July 8, 2010.

The message was read; and it was referred, under Rule 17G, to the committee on Bonding, Capital Expenditures and State Assets.

Communication from Representative Atkins of Concord.

The Honorable Steven T. James
Clerk of the House of Representatives
State House, Room 145
Boston, MA 02133

Dear Mr. James:

Communication from Mr. Atkins of Concord.

On Wednesday, July 7 and Thursday, July 8, I missed the following roll calls due to a relapse of pneumonia. Please see below for a list of how I would have voted had I been present.

I respectfully request that this list be printed in the Journal of the House.

No. 425 — On Enactment — Land Taking (S.2154) YES
No. 426 — On Amendment #3 Changed — Sales Tax Holiday August 14-15 (S.2380) NO
No. 427 — On Amendment #13 — Gift Ban Preservation (S.2380) NO
No. 428 — On Engrossment as Amended — Economic Development Reorganization (S.2380) YES
No. 429 — On Engrossment — Athletic Programs (S.2469) YES
No. 430 — On Engrossment — State Universities (H.4864) NO

Thank you for your assistance with this matter.

Sincerely,

CORY ATKINS,
14th Middlesex District.

Communication from Representative Fox of Boston.

The Honorable Steven T. James
Clerk of the House of Representative State House
Room 145
Boston, MA 02133

Dear Mr. James:

Communication from Ms. Fox of Boston.

On Wednesday, July 7 and Thursday, July 8, I was absent from the following roll calls due to a medical emergency. Please see below a list of how I would have voted had I been present.

I respectfully request that this list be printed in the House Journal for the records.

425 S-2154 On Enactment — Land taking YES
426 S-2380 On Amendment #3 changed — Sales Tax Holiday August 14-15 NO
427 S-2380 On Amendment #13 — Gift Ban Preservation NO
428 H-4863 On Engrossment as Amended — Economic Development Reorganization YES
429 S-2469 On Engrossment — Athletic Programs YES
430 H-4864 On Engrossment — State Universities YES

Thank you for your support and assistance.

Sincerely,

GLORIA L. FOX,
7th Suffolk District.

Resolutions.

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

Mark Moquin.

Resolutions (filed by Mr. Costello of Newburyport) congratulating the Newburyport Affordable Housing Corporation's President, Mark Moquin, and its board of directors on the occasion of the opening of eight housing units;

Paul N. O'Donnell.

Resolutions (filed by Mr. Kujawski of Webster) congratulating Paul N. O'Donnell on the occasion of his eightieth birthday; and

Debra Townsley.

Resolutions (filed by Mr. Kujawski of Webster) congratulating Dr. Debra M. Townsley on her retirement as President of Nichols College;

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. Hecht of Watertown, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communications.

Communications

Higher Education,—collective bargaining.

From the Board of Higher Education containing requests for appropriations submitted to the Governor (under Section 7 of Chapter 150E of the General Laws) to fund a collective bargaining agreement between the Board of Higher Education and the Association of Professional Administrators (APA) Massachusetts Teachers Association/ NEA; and

Id.

From the Board of Higher Education containing requests for appropriations submitted to the Governor (under Section 7 of Chapter 150E of the General Laws) to fund a collective bargaining agreement between the Board of Higher Education and the Massachusetts Teachers Association acting on behalf of the Massachusetts State College Association (MSCA);

Severally were placed on file.

Annual and Special Reports.

Department of Public Utilities,—renewable energy.

The annual report of the Department of Public Utilities (under the provisions of Section 1G(g) of Chapter 164 of the General Laws) relative to the degree of impact on the aggregate reduction of the electricity and impact on transition charges due to implementation or use of cogeneration systems, fuel cell and renewable energy technologies; and

Reports

Correctional facilities,—inspection reports.

Of the Department of Public Health (under the provisions of sections 5 and 20 of Chapter 111 of the General Laws) relative to inspections of certain correctional facilities in the Commonwealth, severally were spread upon the records of the House, as follows:

Of the Bristol County Jail-Ash Street Facility, in the town of Dartmouth;

Of the Hampshire County Jail and House of Correction, in the city of Northampton;

Of the Massachusetts Correctional Institution Cedar Junction, in the town of Walpole;

Of the Middlesex County Jail, in the city of Cambridge;

Of the North Central Correctional Institution, in the city of Gardner; and

Of the Western Massachusetts Regional Women's Correctional Center, in the town of Chicopee;

Severally were placed on file.

Petitions.

Mr. Toomey of Cambridge presented a petition (subject to Joint Rule 12) of Timothy J. Toomey and others (with the approval of the mayor and city council of Cambridge) that the city of Cambridge be authorized to grant a permanent easement on and over certain strips of land owned by the city of Cambridge in Watertown, Massachusetts; and the same was referred, under Rule 24, to the committee on Rules.

Cambridge,—easement.

Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Ms. Provost of Somerville, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

Mr. Toomey of Cambridge presented a petition (subject to Joint Rule 12) of Timothy J. Toomey and others (with the approval of the mayor and city council of Cambridge) that the city of Cambridge be granted certain easements upon state owned land; and the same was referred, under Rule 24, to the committee on Rules.

Id.

Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Ms. Provost of Somerville, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

Reports of Committees.

By Mr. Finegold of Andover, for the committee on Telecommunications, Utilities and Energy, on House, No. 4730, an Order relative to authorizing the committee on Telecommunications, Utilities and Energy to make an investigation and study of a House document concerning telecommunications (House, No. 4867). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Telecommunications, Utilities and Energy,—study.

Subsequently Mr. Binienda of Worcester, for said committees, reported, asking to be discharged from further consideration of said 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.

Trash removal.

Mr. Binienda of Worcester, for the committee on Rules, on the Order relative to authorizing the committee on Public Health to make an investigation and study of certain House documents concerning boards of registration (House, No. 4755), reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2186) of Martha M. Walz, Michael J. Moran and others relative to the removal or transportation of trash,— and recommending that the same be recommitted to the committee on Public Health. Under Rule 42, the report was considered forthwith; and it was accepted.

State Administration and Regulatory Oversight,— study order.

Mr. Binienda of Worcester, for the committee on Rules, on the Order relative to authorizing the committee on State Administration and Regulatory Oversight to make an investigation and study of certain House documents concerning state administration and regulatory oversight (House, No. 4781) reported, in part, asking to be discharged from further consideration:

Flags.

Of the petition (accompanied by bill, House, No. 1157) of Patricia A. Haddad, Joan M. Menard and others relative to the purchase of flags substantially manufactured in the United States; and

Northborough,— land.

Of the petition (accompanied by bill, House, No. 3011) of Harold P. Naughton, Jr., relative to authorizing the Division of Capital Asset Management to convey certain lands to the town of Northborough;

And recommending that the same severally be recommitted to the committee on State Administration and Regulatory Oversight.

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

Pepperell,— liquor license.

By Mr. Moran of Boston, for the committee on Election Laws, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4846) of Robert S. Hargraves and Steven C. Panagiotakos (by vote of the town) relative to placing of a certain question on the ballot in the town of Pepperell in the current year relative to the granting of licenses for the sale of all alcoholic beverages in said town,— and recommending that the same be referred to the committee on Consumer Protection and Professional Licensure. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Military personnel,— license plates.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to special license plates for certain military personnel (printed in House, No. 4588) 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. Placed in the Orders of the Day for the next sitting for a second reading.

Boston,— Fort Point Channel.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill authorizing certain development in the Fort Point Channel in the city of Boston (Senate No. 2376) ought to pass with an amendment in section 1, in line 12, by striking out the following "and chapter 170 of the acts of 1880" and inserting in place thereof the following ", chapter 170 of the acts of 1880 and chapters 402 and 403 of

the acts of 1939". 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. Placed in the Orders of the Day for the next sitting for a second reading, with the amendment pending.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to the registration of real estate appraisers (House, No. 277) ought to pass with amendments in section 1, in line 2, by striking out the year "2004" and inserting in place the year "2008"; and in section 4, in line 15, by striking out the following "Section 1" and inserting in place thereof the following "Sections 1 and 3". Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Real estate appraisers,—registration.

Mr. Kafka of Stoughton, for said committee, reported that the matter be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting for a second reading, with the amendments pending.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to the registration and inspection of street rods and custom vehicles (House, No. 4557) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4871). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Custom vehicles,—registration.

Mr. Kafka of Stoughton, for said committee, reported that the matter be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting for a second reading, with the amendment pending.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to a special commission on seafood marketing (House, No. 706, changed) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4872). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Seafood marketing.

Mr. Kafka of Stoughton, for said committee, reported that the matter be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting for a second reading, with the amendment pending.

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

Relative to the provision of health insurance and other benefits in the town of Phillipston (House, No. 4196) [Local Approval Received];

Phillipston,—benefits.

Concerning the public records law (House, No. 4764);

Public records.

Providing certain health insurance for Richard D. Valcourt (House, No. 4776);

R. D. Valcourt.

Amending the public records law (House, No. 4785);

Public records.

Relative to bidding for public construction contracts (House, No. 4786); and

Construction.

Public employees,—GPS.

Relative to global positioning system technology and public employees (House, No. 4789).

Severally placed in the Orders of the Day for the next sitting for a second reading.

Emergency Measure.

Public charities,—regulations.

The engrossed Bill further regulating public charities (see Senate, No. 2117, 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 5 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Bills enacted.

Engrossed bills

Further regulating funeral processions (see Senate, No. 1884, amended);

Amending the charter of the town of Winchendon (see Senate, No. 2333);

(Which severally originated in the Senate); and

Authorizing the town of Westwood to grant 3 licenses for the sale of wines and malt beverages to food stores (see House, No. 4089, amended) (which 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.

Orders of the Day.

Third reading bill.

The Senate Bill establishing an organ and tissue donor registration fund (Senate, No. 2515, amended), 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. Sent to the Senate for concurrence in the amendment previously adopted by the House.

Id.

The Senate Bill relative to the sale of antique barometers, thermometers and clocks (Senate, No. 2403), 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.

Meghan Savage,—sick leave.

The House Bill establishing a sick leave bank for Meghan Savage, an employee of the Department of Children and Families (House, No. 4798) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Mr. Pedone of Worcester then moved to amend the bill by adding 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. 4798, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

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

At twenty-seven minutes after eleven o'clock A.M., on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M.

Tuesday, July 13, 2010.

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.

Silent Prayers.

Marine Corporal Paul Fagundes.

At the request of Representatives Sullivan of Fall River, Aguiar of Fall River and Rodrigues of Westport, the members, guests and employees stood in a moment of silent tribute in respect to the memory of Marine Corporal Paul Fagundes, formerly of Fall River, who drowned while trying to rescue two fellow Marines off a Naval Station in Guantanamo Bay, Cuba, on July 4, 2010. The Marines were caught in a riptide and all three perished.

Corporal Fagundes is survived by his wife, Cynthia Fagundes, who is expecting their daughter. He also leaves a son, Cazzian, his mother Rosemary, and a sister, Belinda Fagundes of Fall River.

Joseph McNamara.

At the request of Representative Nangle of Lowell, Golden of Lowell and Murphy of Lowell, the members, guests and employees stood in a moment of silent prayer in honor of the memory of Joseph McNamara of Lowell. Joe was a legislative aide for 17 years to former Representative Edward A. LeLacheur of Lowell. Joe leaves his wife, Peggy, 7 children and 8 grandchildren.

Statement Concerning Representative Basile of Boston.

A statement of Mr. Mariano of Quincy concerning Mr. Basile of Boston was spread upon the records of the House, as follows:

Statement concerning Mr. Basile of Boston.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Basile of Boston is unable to be present in the House Chamber for today's sitting due to illness. His missing of roll calls today is due entirely to the reason stated.

Statement Concerning Representative Costello of Newburyport.

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

Statement concerning Mr. Costello of Newburyport.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Costello of Newburyport, is unable to be present in the House Chamber for today's sitting due to a death in his family. His missing of roll calls today is due entirely to the reason stated.

Statement Concerning Representative Ferrante of Gloucester.

A statement of Mr. Vallee of Franklin concerning Ms. Ferrante of Gloucester was spread upon the records of the House, as follows:

Statement concerning Ms. Ferrante of Gloucester.

MR. SPEAKER: I would like to call to the attention of the House that one of our colleagues, Representative Ferrante of Gloucester, is unable to attend the sessions on July 13th and 14th, 2010, as she has been selected to participate in the Emerging Political Leaders Program at the Darden School of Business, University of Virginia, that is being held from July 12th to July 15th. Her missing of roll calls today and tomorrow will be due entirely to the reason stated.

Statement of Representative Rice of Gardner.

A statement of Mr. Rice of Gardner was spread upon the records of the House, as follows:

Statement of Mr. Rice of Gardner.

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for a portion of today's sitting due to my attendance of the retirement ceremonies for Judge Luis G. Perez. My missing of roll calls today is due entirely to the reason stated.

Resolutions.

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

UMass-Boston,—baseball.

Resolutions (filed by Mr. Walsh of Boston) congratulating the University of Massachusetts Boston baseball team; and

UMass-Boston,—volleyball.

Resolutions (filed by Mr. Walsh of Boston) congratulating the University of Massachusetts Boston women's volleyball team.

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. McMurtry of Dedham, 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.

Hanover,—subsidized housing.

A petition (accompanied by bill, Senate, No. 2539) of Thomas P. Kennedy (by vote of the town) for legislation to amend the subsidized housing inventory for the town of Hanover, was referred, in concurrence, to the committee on Municipalities and Regional Government.

James E. Munchbach,—sick leave bank.

A Bill establishing a sick leave bank for James E. Munchbach, an employee of the Trial Court (Senate, No. 2413) (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, then reported recommending that the matter be scheduled for consideration by the House.

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

Emergency Measures.

Mercury devices.

The engrossed Bill relative to the sale of antique barometers, thermometers and clocks (see Senate, No. 2403), 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 29 to 0. Sent to the Senate for concurrence.

Athletic,—safety.

The engrossed Bill relative to safety regulations for school athletic programs (see Senate, No. 2469, 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 12 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.

Engrossed Bills.

Bill re-enacted.

The engrossed Bill relative to property tax exemptions for rental properties in the town of Wellfleet restricted as affordable housing (see House, No. 2852, amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted.

The engrossed Bill further regulating public charities (see Senate, No. 2117, amended) (which originated in the Senate), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Recess.

Recess.

At nine minutes after eleven o'clock A.M., on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at twenty-two minutes after one o'clock P.M., the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Order.

Land based wind projects,—procedures.

Mr. Binienda of Worcester, for the committee on Rules, reported (under the provisions of House Rules 7B and 7C) an Order relative to special procedures for consideration of the House Bill relative to comprehensive siting reform for land based wind projects (Senate,

No. 2260, amended) (for order, see House, No. 4876). The order then was adopted.

Papers from the Senate.

Kayaks.

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the House amendments (striking out all after the enacting clause and inserting in place thereof a perfected duplicate of the text contained in House document numbered 2281) of the Senate Bill relative to kayaks (Senate, No. 974), recommending passage of a Bill relative to kayaks (Senate, No. 2518), came from the Senate with the endorsement that it had been accepted by said branch. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, then reported that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting, the question being on acceptance, in concurrence.

Savings Bank Life Insurance.

The House Bill relative to Savings Bank Life Insurance (House, No. 889) 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 2535.

Under suspension of Rule 35, on motion of Ms. Reinstein of Revere, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and after debate it was adopted, in concurrence.

Reports of Committees.

Boston,— easements.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill authorizing the city of Boston to grant permanent volumetric easements related to vertical transportation improvements over certain parcels of land in the city of Boston (House, No. 4806) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mendon,— selectmen.

By Mr. Moran of Boston, for the committee on Election Laws, on a petition, a Bill authorizing the State Secretary to place the office of selectmen on the state election ballot in the town of Mendon (House, No. 4849) [Local Approval Received].

Harvard— easement.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill providing an easement for affordable senior apartments on Ayer Road (House, No. 4850) [Local Approval Received].

John K. Ryan,— sick leave.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for John K. Ryan, an employee of the Office of the Inspector General (House, No. 4866).

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

Mr. Kafka of Stoughton, for said committee reported, in each instance, that the matter be scheduled for consideration by the House. Under suspension of the rules, in each instance, on motion of Mr. Kafka of Stoughton, the bills were read a second time forthwith; and they were ordered to a third reading.

Chicopee,—mayor.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill relative to the city of Chicopee and the Term of Mayor (House, No. 4713), 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.

Municipal relief.

Mr. Donato of Medford, 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 2436) of the House Bill relative to municipal relief (House, No. 4631), reported recommending passage of a bill with the same title (House, No. 4877). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling then reported that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting, the question being on acceptance.

Real estate management.

Report 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. 4751) of Danielle W. Gregoire for legislation to further regulate the certification of real estate management companies. Under suspension of the rules, on motion of Miss Gregoire of Marlborough, the report was considered forthwith. Pending the question on acceptance of the report, the petition was recommitted, on further motion of the same member.

Election Laws,—study.

By Mr. Moran of Boston, for the committee on Election Laws, on House, Nos. 552, 553, 554, 555, 556, 558, 559, 560, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 574, 575, 576, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 589, 590, 591, 592, 594, 600, 604, 631, 645, 646, 647, 648, 651, 652, 653, 654, 655, 657, 658, 659, 662, 664, 666, 668, 669, 670, 671, 672, 673, 675, 677, 679, 680, 681, 682, 684, 685, 686, 687, 688, 689, 690, 691, 3664, 3880, 4090, 4306, 4308 and 4448, an Order relative to authorizing the committee on Election Laws to make an investigation and study of certain House documents concerning election issues (House, No. 4870). 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 said 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.

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

The Senate Bill authorizing the town of Hubbardston to send certain information to the voters relative to ballot questions (Senate, No. 2090, amended); and

Hubbardston,—voter information.

House bills

To protect farm viability (House, No. 3477);

Farms.

Establishing a post employment benefits trust fund in the town of Wayland (House, No. 4319) [Local Approval Received]; and

Wayland,—trust fund.

Authorizing the town of Lee to grant retirement benefits to Stanley Daoust (House, No. 4709) [Local Approval Received];

Stanley Daoust,—benefits.

Severally placed in the Orders of the day for the next sitting for a second reading.

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

The Senate Bill relative to comprehensive siting reform for land based wind projects (Senate, No. 2260, 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. Straus of Mattapoisett.

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After remarks on the question on passing the bill, as amended, to be engrossed, in concurrence, Ms. Sandlin of Agawam asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 140 members were recorded as being in attendance.

Quorum,—yea and nay No. 431.

[See Yea and Nay No. 431 in Supplement.]

Therefore a quorum was present.

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

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for a portion of today's sitting due to official business in another part of the State House. My missing a quorum roll call today is due entirely to the reason stated.

Statement of Mr. Brady of Brockton.

After further remarks on the question passing the bill, as amended, to be engrossed, in concurrence, Mr. Guyer of Dalton moved to amend the bill by adding the following section:

"SECTION 15. Chapter 535 of the Acts of 2008 is hereby repealed.".

After debate the amendment was rejected.

The same member then moved to amend the bill in section 4, in lines 359 to 365, inclusive, by striking out subsection 4(f) and inserting in the place thereof the following subsection:

"(f). No permit may be issued, and no project approved, by the wind energy permitting board without a vote of approval for the project by residents through a ballot question at the next regularly scheduled municipal election in the community where the project will be located,

provided however, that if no municipal election is scheduled within 365 days from the date the application has been filed, the community shall hold a special municipal election. The wind energy permitting board shall file with the clerk of the local governmental body a written decision, based upon a majority vote of the board, within 180 days from the date of the municipal election where the ballot question was taken, unless the time period is extended by mutual agreement by the board and the applicant, and the agreement is filed with the city or town clerk prior to the expiration of the 180 day period. Failure to file a written decision or extension within the 180 day period shall result in a constructive approval of the application, provided the project was approved in the above manner by ballot question. unless a municipal board has made a timely referral of an application to a regional planning agency pursuant to subsection (l).".

Amendment rejected,—yea and nay No. 432.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Guyer; and on the roll call 61 members voted in the affirmative and 87 in the negative.

[See Yea and Nay No. 432 in Supplement.]

Therefore the amendment was rejected. The same member then moved that this vote be reconsidered.

Motion to reconsider negatived,—yea and nay No. 433.

After debate on the motion to reconsider (Mr. Mariano of Quincy being in the Chair), the sense of the House was taken by yeas and nays at the request of Mr. Guyer; and on the roll call (Mr. Petrolati of Ludlow being in the Chair) 25 members voted in the affirmative and 122 in the negative.

[See Yea and Nay No. 433 in Supplement.]

Therefore the motion to reconsider was negative.

Mr. Guyer of Dalton then moved to amend the bill in section 4, in lines 360 and 362 and also in line 363, by striking out the figures "120" and inserting in place thereof, in each instance, the figures "180".

Amendments rejected,—yea and nay No. 434.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 50 members voted in the affirmative and 98 in the negative.

[See Yea and Nay No. 434 in Supplement.]

Therefore the amendments were rejected.

Mr. Guyer then moved to amend the bill by adding the following section:

"SECTION 15. Notwithstanding any general or special law to the contrary, Chapter 132A of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after Section 18 the following section:—

Section 19. Any lands or easements taken or acquired for natural resource purposes under Article XCVII of the amendments of the Constitution, shall be subject to a moratorium prohibiting industrial development, including energy, on said lands, for a period of twenty-five years after any disposition or change of use.".

Amendment rejected,—

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of

the same member; and on the roll call 34 members voted in the affirmative and 115 in the negative. yea and nay No. 435.

[See Yea and Nay No. 435 in Supplement.]

Therefore the amendment was rejected.

Mr. Fernandes of Milford then moved to amend the bill in section 3, in lines 38 and 39, by striking out the words "a municipal board appointed under section 3 of chapter 25D or if no board has been appointed"; and in section 4, in lines 298 and 299, by striking out the words "a municipal board appointed under section 3 or if no board has been appointed". The amendments were rejected.

The same member then moved to amend the bill in section 4, in lines 308 to 321, inclusive, by striking out subsection 3 and inserting in place thereof the following:

"Section 3. Within a local government body designated as a significant wind resource area pursuant to section 2, the planning board shall serve as the wind energy permitting board.".

The amendment was rejected.

Mr. Fernandes then moved to amend the bill in section 4, in line 357, by inserting after the word "zoning" the words "dimensional requirements", and in said section, in line 358, by inserting after the word "requirements." the following sentence "The board shall specifically not be the authority to waive zoning use requirements.". The amendments were rejected.

Mr. Fernandes of Milford then moved to amend the bill in section 3, in lines 251 and 252; and in section 4, in lines 420, 422, 425 and 426, by striking out the word "superior" and inserting in place thereof, in each instance, the word "land". The amendments were rejected.

The same member then moved to amend the bill in section 3, in line 212, by striking out the words "modify conditions or". The amendment was rejected.

Mr. Peterson of Grafton then moved to amend the bill by adding the following section:

"SECTION 15. Provided further, that this act shall not take effect in any municipality designated by the Department of Energy Resources as containing significant wind resource areas without a vote to accept such designation by a majority of members of the town council, or in a city having a Plan D or Plan E charter, the city manager and the city council and in any other city the mayor and city council and in towns a majority vote of those present and voting at a town meeting and approval by the board of selectmen.".

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 61 members voted in the affirmative and 89 in the negative. Amendment rejected,—yea and nay No. 436.

[See Yea and Nay No. 436 in Supplement.]

Therefore the amendment was rejected.

Mr. Peterson then moved to amend the bill in section 3, in lines 155 to 190, inclusive, by striking out subsection (g), and in lines 236 to 241, inclusive, by striking out the words "; provided, however, that these regulations shall not require any data related to the necessity or

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cost of the proposed generating facility, except for data related to the costs or economic feasibility associated with the mitigation, control or reduction of the environmental impacts of the proposed generating facility, so that the division can make an informed determination as to the ability of the applicant to afford to comply with conditions imposed by an agency, municipality or the state".

Amendments rejected,— yea and nay No. 437.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 47 members voted in the affirmative and 102 in the negative.

[See Yea and Nay No. 437 in Supplement.]

Therefore the amendments were rejected.

Mr. Guyer of Dalton then moved to amend the bill by adding the following section:

"SECTION 15. Any real estate broker or agent licensed in the Commonwealth representing a seller of real property located in an area designated by the Department of Energy resources as a 'significant wind resource area' shall cause the following language to be included in any Offer or Purchase and Sale Agreement entered into by said broker, agent, or seller:— NOTICE TO BUYER: The subject property is located in an area designated by the Massachusetts Department of Energy Resources as a 'significant wind resource area'. This means that a wind energy facility could be allowed in that area. A wind energy facility is defined by law as 'a facility including blades, turbines, towers, test towers, supports, foundations and any ancillary facilities such as roadways, transmission or distribution lines, substations, and any other buildings, structures, or equipment whose primary purpose is to support the generation, transmission, and delivery of at least two megawatts of electricity powered by wind.' This law states that 'Any existing zoning and non-zoning requirements of the municipalities of the municipality's local laws, regulation, policies, or other regulatory requirements may be waived' to allow such a facility.".

After debate the amendment was rejected.

Ms. Wolf of Cambridge then moved to amend the bill in section 3, in line 84, by inserting after the word "Association" the following "; a scientist who is an expert in ecology and conservation; a scientist or engineer who is an expert in wind energy; a public health official with expertise in audiology". The amendment was adopted.

Mr. Guyer of Dalton then moved to amend the bill by adding the following five sections:

"SECTION 15. Section 56C of Chapter 164 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out in line 17, the words 'ten nor more than one hundred', and inserting in the place thereof the following:— five hundred nor more than ten thousand.

SECTION 16. Section 56D of said Chapter 164, as so appearing, is hereby amended by striking in its entirety, and inserting in the place thereof the following:—

Any contract entered into by any municipal lighting plant, or municipal lighting plant cooperative, for the construction of a lighting facility, shall be procured using the provisions of chapter 30B, and preference shall be given to corporations based in Massachusetts.

SECTION 17. The General Laws are hereby amended by inserting the following chapter:—

CHAPTER 164C.
Publicly-Assisted Energy Corporations Procurement.

Section 1. An energy corporation, hereafter known as a corporation, constructing an energy facility, any plant or equipment used to produce, manufacture, or otherwise generate electricity, any ancillary facilities such as roadways, transmission or distribution lines, substations and any other buildings, structures or equipment whose primary purpose is to support the generation and delivery of electricity, which derives at least 10% of project funding from any state or municipal assistance, including but not limited to grants, tax credits, or appropriations, shall be required to comply with the provisions of this section.

Section 2. As used in this chapter, the following words shall, unless the context clearly requires otherwise have the following meanings:

'Corporation', any corporation, cooperative, or individual constructing an energy facility which derives at least 10% of project funding from any state assistance, including but not limited to grants, tax credits, or appropriations.

Section 3. A corporation shall maintain a file on each contract for the purchase of any contract related to an assisted energy facility, in the amount of five thousand dollars or more, shall include in such file a copy of all written documents related to said contract. Written documents required by this chapter shall be retained by the corporation for at least six years from the date of final payment under the contract, and the records shall be open to public inspection.

(a). For the procurement of a supply or service in the amount of $5,000 or greater, but less than $25,000, a corporation shall seek written or oral quotations from no fewer than three persons customarily providing such supply or service. The corporation shall record the names and addresses of all persons from whom quotations were sought, the names of the persons submitting quotations and the date and amount of each quotation. A corporation may require that procurements in amounts of less than $25,000 be based on written quotations or be subject to the provisions of section five.

(b) The corporation shall award the contract to the responsible person offering the needed quality of supply or service at the lowest quotation.

(c) A procurement in the amount of less than $5,000 shall be obtained through the exercise of sound business practices.

Section 4. (a) Except as permitted under section five or section seven, award of procurement contracts in the amount of $25,000 or more, other than contracts for the procurement of real property, shall conform to the competitive sealed bidding procedures set forth in this section.

(b) A corporation shall issue an invitation for bids for a procurement contract. The invitation for bids shall include:

(1) the time and date for receipt of bids, the address of the office to which bids are to be delivered, the maximum time for bid acceptance by the corporation;

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(2) the purchase description and all evaluation criteria to be utilized pursuant to paragraph (e); and

(3) all contractual terms and conditions applicable to the procurement.

The invitation for bids may incorporate documents by reference; provided, however, that the invitation for bids specifies where prospective bidders may obtain the documents. The procurement officer shall make copies of the invitation for bids available to all persons on an equal basis.

(c) The procurement officer shall give public notice of the invitation for bids a reasonable time prior to the date for the opening of bids. The notice shall:

(1) indicate where, when and for how long invitations for bids may be obtained;

(2) describe the supply or service desired;

(3) if award of the contract is subject to the approval of any board, committee, commission or other body, so state and identify each such body;

(4) remain posted, for at least two weeks, in a conspicuous place in or near the offices of the corporation until the time specified in the invitation for bids; and

(5) be published at least once, not less than two weeks prior to the time specified for the receipt of bids, in a newspaper of general circulation within the area served by the corporation. The corporation may distribute copies of the notice to prospective bidders, and may compile and maintain lists of prospective bidders to which notices may be sent.

(6) shall state that preference shall be given to Massachusetts corporations.

(d) A representative appointed by the corporation shall open bids publicly in the presence of one or more witnesses, and the representative and said witnesses shall sign a statement under penalties of perjury listing the names of all bidders and the amounts of their bids and declaring that said list is a complete and accurate list of bids opened in the presence of said witnesses. Such statement, or a certified copy thereof, shall be filed with the contract.

(e) The corporation shall evaluate a bid based solely on the requirements and criteria set forth in the invitation for bids. Such criteria shall include the standards by which the procurement officer will determine acceptability as to quality, workmanship, results of inspections and tests, and suitability for a particular purpose.

(f) The corporation shall unconditionally accept a bid without alteration or correction, except as provided in this paragraph. A bidder may correct, modify, or withdraw a bid by written notice received in the office designated in the invitation for bids prior to the time and date set for the bid opening. After bid opening, a bidder may not change the price or any other provision of the bid in a manner prejudicial to the interests of the corporation or fair competition. The corporation shall waive minor informalities or allow the bidder to correct them. If a mistake and the intended bid are clearly evident on the face of the bid document, the corporation shall correct the mistake to reflect the intended correct bid and so notify the bidder in writing, and the bidder may not withdraw the bid. A bidder may

withdraw a bid if a mistake is clearly evident on the face of the bid document but the intended correct bid is not similarly evident.

(g) The corporation shall award the contract to the lowest responsible and responsive bidder. A contract requiring payment to the corporation of a net monetary amount shall be awarded to the highest responsible and responsive bidder. The corporation shall award the contract by written notice to the selected bidder within the time for acceptance specified in the invitation for bids. The time for acceptance may be extended for up to 45 days by mutual agreement between the corporation and the apparent lowest responsible and responsive bidder or, for a contract requiring payment to the corporation, by mutual agreement between the corporation and the highest apparent responsible and responsive bidder.

Section 5. (a) A corporation may enter into procurement contracts in the amount of $25,000 or more utilizing competitive sealed proposals, in accordance with the provisions of this section. The corporation shall not solicit competitive sealed proposals unless he has determined in writing that selection of the most advantageous offer requires comparative judgments of factors in addition to price, specifying the reasons for his determination.

(b) The corporation shall solicit proposals through a request for proposals. The request for proposals shall include:

(1) the time and date for receipt of proposals, the address of the office to which the proposals are to be delivered, the maximum time for proposal acceptance by the corporation;

(2) the purchase description and all evaluation criteria that will be utilized pursuant to paragraph (e); and

(3) all contractual terms and conditions applicable to the procurement provided that the contract may incorporate by reference a plan submitted by the selected offeror for providing the required supplies or services. The request for proposals may incorporate documents by reference; provided, however, that the request for proposals specifies where prospective offerors may obtain the documents. The request for proposals shall provide for the separate submission of price, and shall indicate when and how the offerors shall submit the price. The chief procurement officer shall make copies of the request for proposals available to all persons on an equal basis.

(c) Public notice of the request for proposals shall conform to the procedures set forth in paragraph (c) of section five.

(d) The corporation shall open the proposals publicly. Notwithstanding the provisions of section seven of chapter four, until the completion of the evaluations, or until the time for acceptance specified in the request for proposals, whichever occurs earlier, the contents of the proposals shall remain confidential and shall not be disclosed to competing offerors. At the opening of proposals the corporation shall prepare a register of proposals which shall include the name of each offeror and the number of modifications, if any, received. The register of proposals shall be open for public inspection. The corporation may open the price proposals at a later time, and shall open the price proposals so as to avoid disclosure to the individuals evaluating the proposals on the basis of criteria other than price.

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(e) The corporation shall designate the individual or individuals responsible for the evaluation of the proposals on the basis of criteria other than price. The designated individuals shall prepare their evaluations based solely on the criteria set forth in the request for proposals. Such criteria shall include all standards by which acceptability will be determined as to quality, workmanship, results of inspections and tests, and suitability for a particular purpose, and shall also include all other performance measures that will be utilized. The evaluations shall specify in writing:

(1) for each evaluation criterion, a rating of each proposal as highly advantageous, advantageous, not advantageous, or unacceptable, and the reasons for the rating;

(2) a composite rating for each proposal, and the reasons for the rating; and

(3) revisions, if any, to each proposed plan for providing the required supplies or services which should be obtained by negotiation prior to awarding the contract to the offeror of the proposal.

(f) A proposal may be corrected, modified or withdrawn to the extent provided in paragraph (f) of section five.

(g) The corporation shall determine the most advantageous proposal from a responsible and responsive offeror taking into consideration price and the evaluation criteria set forth in the request for proposals. The corporation shall award the contract by written notice to the selected offeror within the time for acceptance specified in the request for proposals. The parties may extend the time for acceptance by mutual agreement. The corporation may condition an award on successful negotiation of the revisions specified in the evaluation, and shall explain in writing the reasons for omitting any such revision from a plan incorporated by reference in the contract.

(h) If the corporation awards the contract to an offeror who did not submit the lowest price, the corporation shall explain the reasons for the award in writing, specifying in reasonable detail the basis for determining that the quality of supplies or services under the contract will not exceed the corporation's actual needs.

(i) If a contract requiring payment to the corporation of a net monetary sum is awarded to an offeror who did not submit the highest price, the corporation shall explain the reasons for the award in writing as set forth in paragraph (h).

Section 6. Whenever the time required to comply with a requirement of this chapter would endanger the health or safety of the corporation or their assisted property a corporation may make an emergency procurement without following that requirement. An emergency procurement shall be limited to only supplies or services necessary to meet the emergency and shall conform to the requirements of this chapter to the extent practicable under the circumstances. The procurement officer shall make a record of each emergency as soon after the procurement as practicable, specifying each contractor's name, the amount and the type of each contract, a listing of the supply or service provided under each contract, and the basis for determining the need for an emergency procurement.

The corporation shall submit a copy of this record at the earliest possible time to the state secretary for placement in any publication established by the state secretary for the advertisement of procurements.

Section 7. A person submitting a bid or a proposal for the procurement or disposal of supplies or services to any corporation shall certify in writing, on the bid or proposal, as follows:

The undersigned certifies under penalties of perjury that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

_____

(Signature of individual submitting bid or proposal)

_____

(Name of business)

Section 8. No person shall cause or conspire to cause the splitting or division of any procurement, specification, invitation for bids, request for proposals, proposal, solicitation, or quotation for the purpose of evading a requirement of this chapter.

Section 9. (a) Unless otherwise provided by law and subject to paragraph (b), a corporation may enter into a contract for any period of time which serves the best interests of the corporation; provided, however, that the corporation shall include in the solicitation the term of the contract and conditions of renewal, extension or purchase, if any. The corporation shall not enter into a contract unless funds are available for the first year at the time of contracting. Payment and performance obligations for succeeding years shall depend on the availability and appropriation of funds.

(b) The invitation for bids, request for proposals, or other solicitation of any contract for a term exceeding one year, including a renewal, extension or option, shall state, in addition to the other information required by this chapter:

(1) the amount of supplies or services required for the proposed contract period, and whether such amount is the actual amount required or an estimate;

(2) that the bidder or offeror shall give a unit price for each supply or service, and that the unit price shall remain the same throughout the contract, except to the extent that the solicitation and resulting contract provides for price adjustments;

(3) that the corporation shall cancel the contract if funds are not appropriated or otherwise made available to support continuation of performance in any year succeeding the first year;

(4) whether the bidder or offeror shall submit prices for:

(i) the first year only;

(ii) the entire time of performance only; or

(iii) both the first year and the entire time of performance; and

(5) how the award will be determined, including, if the contractor submits prices for the first year and the entire time of performance, how the prices will be compared. When a contract is to contain an option for renewal, extension, or purchase, the solicitation shall include notice of the provision. The corporation shall retain sole discretion in exercising the option, and no exercise of an option shall be subject to agreement or acceptance by the contractor.

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(c) When funds are not available to support continuation of performance in a subsequent year, the procurement officer shall cancel the contract.

(d) The corporation shall not exercise an option for renewal, extension or purchase unless the corporation, after reasonable investigation of costs and benefits, has determined in writing that the exercise of the option is more advantageous than alternate means of procuring comparable supplies or services.

Section 10. The corporation may increase the quantity of supplies or services or both specified in a contract provided:

(1) the unit prices remain the same or less;

(2) the procurement officer has specified in writing that an increase is necessary to fulfill the actual needs of the corporation and is more economical and practical than awarding another contract;

(3) the parties agree to the increase in writing; and

(4) the increase in the total contract price does not exceed 25 per cent but a contract for the purchase of gasoline, special fuel, fuel oil, or other ice and snow control supplies shall not be subject to this limit; and

(5) the corporation, with the agreement of the contractor, may reduce the unit price for supplies or services or both specified in a contract to be paid by the corporation at any time during the term of the contract or when an option to renew, extend or purchase is exercised.

Section 11. Unless no other manner of description suffices, and the corporation so determines in writing, setting forth the basis for the determination, all specifications shall be written in a manner which describes the requirements to be met without having the effect of exclusively requiring a proprietary supply or service, or a procurement from a sole source.

Section 12. (a) A corporation shall dispose of a tangible supply, no longer useful to the corporation but having resale or salvage value, in accordance with this section. This section does not apply to the disposal of assisted real property.

(b) The corporation shall offer such supply through competitive sealed bids, public auction, or established markets.

(c) Notice of sale by bid or auction shall conform with the procedures set forth in paragraph (c) of section four. The notice shall indicate the supply offered for sale, designate the location and method for inspection of such supply, state the terms and conditions of sale including the place, date and time for the bid opening or auction, and state that the corporation retains the right to reject any and all bids.

(d) If the corporation rejects the bid of the highest responsive bidder, the corporation may:

(1) negotiate a sale of such supply so long as the negotiated sale price is higher than the bid price; or

(2) resolicit bids.

(e) A corporation may trade-in a supply listed for trade-in in the invitation for bids or request for proposals.

(f) For a supply with an estimated net value of less than $5,000, the corporation shall dispose of such supply using written procedures approved by the corporation.

(g) Notwithstanding any other requirement of this section, a corporation may by majority vote, unless otherwise prohibited by law, dispose of a tangible supply no longer useful to the corporation but having resale or salvage value, at less than the fair market value to a charitable organization which has received a tax exemption from the United States by reason of its charitable nature.

Section 13. (a) If a corporation duly authorized by general or special law to engage in such transaction determines that it shall rent, convey, or otherwise dispose of real property, the corporation shall declare the property available for disposition and shall specify the restrictions, if any, that it will place on the subsequent use of the property.

(b) The corporation shall determine the value of the property through procedures customarily accepted by the appraising profession as valid.

(c) A corporation shall solicit proposals prior to:

(1) acquiring by purchase or rental real property or an interest therein from any person at a cost exceeding twenty-five thousand dollars; or

(2) disposing of, by sale or rental to any person, real property or any interest therein, determined in accordance with paragraph (b) to exceed twenty-five thousand dollars in value.

(d) The corporation shall place an advertisement inviting the submission of proposals in a newspaper with a circulation in the locality sufficient to inform the people of the affected locality. The corporation shall publish the advertisement at least once a week for two consecutive weeks. The last publication shall occur at least eight days preceding the day for opening proposals. The advertisement shall specify the geographical area, terms and requirements of the proposed transaction, and the time and place for the submission of proposals. In the case of the acquisition or disposition of more than twenty-five hundred square feet of real property, the corporation shall also cause such advertisement to be published, at least thirty days before the opening of proposals, in the central register published by the state secretary pursuant to section twenty A of chapter nine.

(e) The corporation may shorten or waive the advertising requirement if:

(1) the corporation determines that an emergency exists and the time required to comply with the requirements would endanger the health or safety of the people or their assisted property; provided, however, that the corporation shall state the reasons for declaring the emergency in the central register at the earliest opportunity; or

(2) in the case of a proposed acquisition, the corporation determines in writing that advertising will not benefit the corporation's interest because of the unique qualities or location of the assisted property needed. The determination shall specify the manner in which the assisted property proposed for acquisition satisfies the unique requirements. The corporation shall publish the determination and the reasons for the determination, along with the names of the parties having a beneficial interest in the property pursuant to section forty J of chapter seven, the location and size of the assisted

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property, and the proposed purchase price or rental terms, in the central register not less than thirty days before the corporation executes a binding agreement to acquire the assisted property.

(f) Proposals shall be opened publicly at the time and place designated in the advertisement. The corporation shall submit the name of the person selected as party to a real property transaction, and the amount of the transaction, to the state secretary for publication in the central register.

(g) If the corporation decides to dispose of assisted property at a price less than the value as determined pursuant to paragraph (b), the corporation shall publish notice of its decision in the central register, explaining the reasons for its decision and disclosing the difference between such value and the price to be received.

Section 14. (a) All contracts in the amount of five thousand dollars or more shall be in writing, and the corporation shall make no payment for a supply or service rendered prior to the execution of such contract.

(b) A person who causes or conspires with another to cause a contract to be solicited or awarded in violation of a provision of this chapter shall forfeit and pay to the appropriate corporation a sum of not more than twenty thousand dollars for each violation. In addition, the person shall pay double the amount of damages sustained by the corporation by reason of the violation, together with the costs of any action. If more than one person participates in the violation, the damages and costs may be apportioned among them.

(c) The inspector general shall have authority to institute a civil action to enforce paragraph (b) if authorized by the attorney general.

SECTION 18. Section 19 of Chapter 775 of the Acts of 1975 is hereby amended by striking subsection (f) and inserting in the place thereof the following subsection:

(f) Wherever the corporation has primary responsibility for the construction or operation of any electric power facility within the commonwealth, no contract for construction, reconstruction, alteration, remodeling repair or demolition of the facility or equipment, supplies or materials for the facility, except in cases of special emergency involving the health, safety or welfare of the people or their property, shall be awarded unless proposals for the same have been invited by advertisement in a newspaper published in the city of Boston, as well as a newspaper published in the county of said facility, such publication to be at least one week before the time specified for the opening of said proposals. Such advertisements shall state the time and place for opening the proposals in answer to said advertisement, and shall require the company to select the lowest qualified proposal, with preference to companies based in Massachusetts. All such proposals shall be opened in public. No bid or contract shall be split or divided for the purpose of evading these requirements.

Sections twenty-six to twenty-nine, inclusive, and sections forty-four A to forty-four L, inclusive, of chapter one hundred and forty-nine and sections thirty-nine F to thirty-nine N, inclusive, of chapter thirty of the General Laws shall apply to the corporation.

SECTION 19. Chapter 535 of the Acts of 2008 is hereby amended by striking Section 9.".

The amendment was rejected.

Mr. Scaccia of Boston then moved to amend the bill in section 14 by adding the following sentence "The permitting process contained in chapter 25D of the General Laws or sections 17 to 19, inclusive, of chapter 25A of the General Laws shall not apply to projects that will have an adverse effect on properties that are listed or eligible for listing in the National or State Registers of Historic Places.". The amendment was adopted.

Mr. Madden of Nantucket then moved to amend the bill in section 4, in line 357, by striking out the words "zoning and"; and the amendment was rejected.

The same member then moved to amend the bill by adding the following section:

"SECTION 15. Any local government body that has zoned for renewable energy shall be exempt from this act.".

The amendment was rejected.

Representatives Madden of Nantucket and Peake of Provincetown then moved to amend the bill in section 4, in line 415, by striking out the words "or a regional planning agency", in lines 418 and 419, by striking out the words "or rendered by a regional planning agency", and by inserting after line 426 the following subsection:

"(iii) An appeal brought by the applicant or by any other proponent of a wind energy facility of a decision of a regional planning agency denying a permit or granting a permit with conditions shall be governed by the enabling statute of the applicable regional planning agency and this appeal shall be the exclusive means of review of such decisions of a regional planning agency.".

The amendments were rejected.

Mr. Madden then moved to amend the bill by adding the following section:

"SECTION 15. This act shall apply to any city or town which accepts the provisions of this act in accordance with section 4 of chapter 4 of the General Laws.".

The amendment was rejected.

The same member then moved to amend the bill in section 3, in line 114, by inserting after the word "municipality" the words "other local governmental body or other local governmental bodies acting jointly on a regional basis whose application(s) have been approved by a host municipality's wind energy permitting board under this chapter", in lines 117 and 118, by inserting after the word "municipality" the words "other local governmental body or other local governmental bodies acting jointly on a regional basis"; and by inserting after section 9 the following three sections:

"SECTION 9A. Subsection (c) of section 10 of chapter 25A of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by adding, in line 23, after the words, 'governmental body' the following words:— or other local governmental bodies acting jointly on a regional basis.

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SECTION 9B. Said subsection (c) of said section 10 of said chapter 25A, as so appearing, is hereby further amended by inserting after the word, 'municipality' in lines 29, 42 and 43 the following words:— other local governmental bodies or other local governmental bodies acting jointly on a regional basis.

SECTION 9C. Said subsection (c) of said section 10 of said chapter 25A, as so appearing, is hereby further amended by inserting after the words, 'designated locations', in line 27/28, the following words:— within the municipality, other local governmental bodies or other local governmental bodies acting jointly on a regional basis.".

The amendments were rejected.

Pending the question on passing the bill, as amended, to be engrossed, in concurrence, further consideration thereof was postponed, on motion of Mr. Finegold of Andover, until the following day and specially assigned to the hour of one o'clock P.M.

Orders of the Day.

Third reading bills and resolve.

House bills

Relative to affiliate transfers (House, No. 959);

Relative to discharge of certain mortgages (House, No. 996) (its title having been changed by the committee on Bills in the Third Reading);

Regulating elections in the town of Yarmouth (House, No. 4243);

Relative to the Massachusetts Credit Union Share Insurance Corporation (House, No. 4483) (its title having been changed by the committee on Bills in the Third Reading);

Exempting all positions in the police department of the town of Provincetown from the civil service law (House, No. 4656) (its title having been changed by the committee on Bills in the Third Reading); and

Relative to the composition of the licensing board for the city of Pittsfield (House, No. 4682); and

The House Resolve declaring Chapter 397 of the Acts of 2008 "Darnell's Law" (House, No. 1139);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Second reading bills.

House bills

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

Relative to special license plates for certain military personnel (printed in House, No. 4588); and

Providing certain health insurance for Richard D. Valcourt (House, No. 4776);

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

Second reading bill amended.

The Senate Bill authorizing certain developments in the Fort Point Channel in the city of Boston (Senate, No. 2376) was read a second time.

The amendments previously recommended by the committee on Ways and Means,— that the bill be amended in section 1, in line 12, by striking out the following "and chapter 170 of the acts of 1880" and inserting in place thereof the following ", chapter 170 of the acts of 1880 and chapters 402 and 403 of the acts of 1939",— were adopted.

The bill (Senate, No. 2376, amended) then was ordered to a third reading.

Second reading bill amended.

The House Bill relative to the registration of real estate appraisers (House, No. 277) was read a second time.

The amendments previously recommended by the committee on Ways and Means,— that the bill be amended in section 1, in line 2, by striking out the year "2004" and inserting in place the year "2008"; and in section 4, in line 15, by striking out the following "Section 1" and inserting in place thereof the following "Sections 1 and 3",— were adopted.

The bill (House No. 277, amended) then was ordered to a third reading.

Id.

The House Bill relative to the registration and inspection of street rods and custom vehicles (House, No. 4557) was read a second time.

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. 4871),— was adopted.

The substituted bill (House, No. 4871) then was ordered to a third reading.

Seafood marketing,— study.

The House Bill relative to a special commission on seafood marketing House, No. 706, changed) was read a second time.

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. 4872),— Mr. Jones of North Reading moved to amend it in section 1, in lines 10 to 19, inclusive, by striking out the sentence contained therein and inserting in place thereof the following sentence: "The commission shall consist of 15 members: 2 members from the house of representatives, 1 of whom shall be appointed by the speaker of the house of representative, and 1 of whom shall be appointed by the house minority leader; 2 members of the senate, 1 of whom shall be appointed by the senate president, and 1 of whom shall be appointed by the senate minority leader; 1 representative of the department of agriculture resources; 1 representative of the division of marine fisheries; and 9 of whom shall be appointed by the governor 1 of whom shall be a representative of the Massachusetts marine fisheries institute; 1 of whom shall be a representative of the Massachusetts fishermen's partnership; 1 of whom shall be a member of a wholesale seafood dealer; 1 of whom shall be a member of a seafood specialty retail business; 2 of whom shall be members of a fishing industry advocacy organization; and 3 of whom shall be members of the commercial fishing industry, 1 of whom shall be a representative of the

groundfish industry, 1 of whom shall be a representative of the scallop industry and 1 of whom shall be a representative of the lobster industry.”. 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. 4872, amended) was ordered to a third reading.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at one o’clock P.M.

Mr. Fagan of Taunton then moved that as a mark of respect to the memory of Peter B. Gay, a member of the House from Taunton from 1949 to 1958, inclusive, the House adjourn; and the motion prevailed.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twelve minutes after six 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 day at one o’clock P.M.

Wednesday, July 14, 2010.

Met at nine minutes after one o'clock P.M., with Mr. Petrolati of Ludlow 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.

Ever-present God in Whom we place our trust and hope, we begin today's formal legislative session with the intention of addressing the items which come before us in a carefully reasoned and honorable manner. In our diverse society, help us to be good and patient listeners as we examine the day's legislative proposals. When there are issues of disagreement on principles, goals and values, teach us to respect the opinions, rights and the dignity of all as we dialogue together on legislative matters. We pray for the courage and good sense to remain faithful to our own philosophical principles and religious beliefs. Help us to be grateful for our privileges as citizens, mindful of our obligations and duties as elected officials and open to You and Your ways and commandments in our daily living.

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

Pledge of allegiance.

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

Statement Concerning Representative DiNatale of Fitchburg.

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

Statement concerning Mr. DiNatale of Fitchburg.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative DiNatale of Fitchburg, was unable to be present in the House Chamber for today's sitting due to an emergency medical procedure. Had he been present for the taking of yeas and nays number 439, on passing to be engrossed the Senate Bill relative to comprehensive siting reform for land based wind projects (Senate, No. 2260, amended), he would have voted in the negative. Had he been present for the taking of yeas and nays number 441, on accepting a report of the committee of conference relative to municipal relief (House, No. 4877), he would have voted in the affirmative. His missing of roll calls today is due entirely to the reason stated.

Petitions.

Shirley,—land.

By Ms. Benson of Lunenburg, a petition (accompanied by bill House, No. 4885) of Jennifer E. Benson and James B. Eldridge (by vote of the town) for legislation relative to authorizing the town of Shirley to lease a certain parcel of land for agricultural purposes; and

Hopkinton,—public works.

By Representative Dykema of Holliston and Senator Spilka, a joint petition (accompanied by bill House, No. 4882) of Carolyn Dykema and Karen E. Spilka (by vote of the town) that the public works department in the town of Hopkinton be abolished;

Severally to the committee on Municipalities and Regional Government.

Severally sent to the Senate for concurrence.

Paper from the Senate.

Lunenburg,—sewer service.

The House Bill relative to the sewer service area for the town of Lunenburg (House, No. 4561) 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 2529.

Under suspension of Rule 35, on motion of Mr. Barrows of Mansfield, 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.

Bills

Auto body labor rates.

Relative to auto body labor rates (Senate, No. 122, amended in line 28 by inserting after the word "states." the following sentence "The average national auto repair hourly compensation rate shall apply only to the rate charged to automobile insurers by auto repair shops.") (on Senate, No. 122 and House, Nos. 929 and 1043);

Developmental treatments.

Relative to level IV treatment interventions (Senate, No. 2540) (on Senate bill No. 45); and

Life insurers.

Relative to compliance with reserve requirements for life insurers (Senate, No. 2542) (on Senate bill No. 497); and

Behavioral modification.

The Senate Resolve providing for a special commission on behavior modification (Senate, No. 2541) (on Senate bill No. 46);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

Reports of Committees.

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 following petitions:

David Peets,—sick leave.

Petition (accompanied by bill) of Harold P. Naughton, Jr., for legislation to establish a sick leave bank for David A. Peets, an employee of the Department of Correction. To the committee on Public Service.

Veterans,—tax abatements.

Petition (accompanied by bill) of A. Stephen Tobin for legislation to further regulate the granting of real estate tax abatements for certain veterans. To the committee on Revenue.

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

By Mr. Cabral of New Bedford, for the committee on Bonding, Capital Expenditures and State Assets, on a message from the Governor, a Bill relative to providing the terms of certain bonds and notes to be issued by the Commonwealth (printed in House, No. 4869), which was read. Bonds and notes,—terms.

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

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

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill relative to the estate of homestead (Senate No. 2406) 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 4878. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending. Estate of homestead.

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.

The amendment recommended by the committee on Ways and Means then was adopted; and the bill (Senate, No. 2406, amended) was ordered to a third reading.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill authorizing governmental bodies to enter into contracts for the inspection, maintenance, repair or modification of water storage facilities (Senate No. 2449) 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 4881. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending. Water storage facilities.

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.

The amendment recommended by the committee on Ways and Means then was adopted; and the bill (Senate, No. 2449, amended) was ordered to a third reading.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill regarding the preparation of certain ballots in the city of Boston (House, No. 3665) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4880). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending. Boston,—ballots.

Boston,—ballots.

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

Under suspension of Rule 7A, on motion of Mr. Basile of Boston, 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.

Prescription monitoring.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to the enhancement of the prescription monitoring program (House, No. 4478) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4879). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendments previously recommended by the committees on Health Care Financing and Ways and Means pending.

Boston,—easements.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill authorizing the city of Boston to grant permanent volumetric easements related to vertical transportation improvements over certain parcels of land in the city of Boston (House, No. 4806) be scheduled for consideration by the House.

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

Engrossed Bills.

Engrossed bills

Bills enacted.

Relative to Savings Bank Life Insurance (see House, No. 889, amended); and

Requiring engine coolant and antifreeze to contain a bittering agent so as to rend it unpalatable (see House, No. 4285);

(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.

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

Wind projects,—land based.

The Senate Bill relative to comprehensive siting reform for land based wind projects (Senate, No. 2260, amended), was discharged from its position in the Orders of the Day, and considered forthwith, under suspension of Rule 47, on motion of Mr. Finegold of Andover.

Pending the question on passing the bill, as amended, to be engrossed, in concurrence, Ms. Peake of Provincetown and other members moved to amend it by adding the following two sections:

"SECTION 15. There is hereby established a special commission to consist of 2 members of the senate, 1 of whom shall be appointed by the senate president and one of whom shall be appointed by the senate minority leader, 2 members of the house of representatives, 1 of whom shall be appointed by the Speaker and one of whom shall be appointed by the minority leader, the secretary of energy and

environmental affairs or his designee, the secretary of administration and finance or his designee, and 1 person to be appointed by the governor, for the purpose of making investigation and study relative to: (1) reviewing the economic impact of long term wind energy projects in other states; (2) the health and environmental impacts, if any, of existing wind energy projects both in the Commonwealth and across the United States; and (3) conducting a cost benefit analysis of said projects. Said commission shall report to the general court the results of its investigation and study and its recommendations, if any, by filing the same with the clerk of the senate and the clerk of the house of representatives on or before July 31, 2011.

SECTION 16. This act shall not take effect until the provisions of section 15 are filed with the clerk of the senate and the clerk of the house of representatives and accepted by the general court.".

Amendment rejected,—yea and nay No. 438.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Peterson of Grafton; and on the roll call 54 members voted in the affirmative and 99 in the negative.

[See Yea and Nay No. 438 in Supplement.]

Therefore the amendment was rejected.

Mr. Finegold of Andover then moved, there being no objection, to amend the bill in section 1 (as printed), in line 3, by striking out the word "division" and inserting in place thereof (both times it appears) the word "department";

By striking out section 2 (as printed);

In section 3, in lines 40, 69, 86, 88, 101, 108, 114, 117, 120, 121, 124, 139, 142, 146, 147, 153, 155, 180, 182, 189, 193, 198, 207, 210, 219, 221, 223, 242, 244 and 250; and also in section 4, in line 417, by striking out the word "division" and inserting in place thereof, in each instance, the words "energy facilities siting board";

In section 3, in line 10, in section 4, in lines 326, 327, 328, 367, 369 and 419, and also in section 14, in line 474, by striking out the following "25A" and inserting in place thereof, in each instance, the figures "164";

In section 3, in line 12, by striking out the figures "16" and inserting in place thereof the following "69T";

In section 3, in lines 12, 40, 93, 100, 105, 150, 159, 187, 216, 255 and 257, in section 4, in lines 326, 328, 366 and 369, in section 11, in line 464, and also in section 14, in line 474, by striking the figures "17" and inserting in place thereof, in each instance the following "69U";

In section 3, in lines 12 and 255, and also in section 14, in line 474, by striking out the figures "19" and inserting in place thereof, in instance, the following "69W";

In section 3, in line 14, by striking out the definition of "Division";

In section 3, in lines 15, 45 (as changed by the committee on Bills in the Third Reading), 90, 255 and 257, in section 4, in lines 327 and 419, and also in section 11, in line 464, by striking out the figures "18" and inserting in place thereof the following "69V";

In section 3, in line 40, by striking out the word "department." and inserting in place thereof the words "secretary of the executive office of energy and environmental affairs";

Wind projects,—land based.

In section 3, in line 50, by striking out the words "or state" and inserting in place thereof the words "state, or regional";

In section 3, in line 68, by striking out the words "director of the division shall appoint" and inserting in place thereof the words "energy facilities siting board shall empanel";

In section 3, in line 69, by inserting after the word "standards" the words "under the direction of the chairperson of the board";

In section 3, in line 85, by striking out the words "director of the division" and inserting in place thereof the word "chairperson";

In section 3, in line 85, by striking out the word "director", the second time it appears, and inserting in place thereof the word "chairperson";

In section 3, in line 88, by striking out the words ", in consultation with the department";

In section 3, in line 142 by striking out the figures "60" and inserting in place thereof the figures "45";

In section 3, in line 188 by inserting after the word "boards" the words "or regional planning agencies with regulatory authority";

In section 3, in line 191, by inserting after the following "(h)" the words "Notwithstanding the provisions of any other law to the contrary,";

In section 3, in line 212, by striking out the words "modify conditions" and inserting in place thereof the words "strengthen conditions imposed by the wind energy permitting board";

In section 3, in lines 225, 226 and 227, by striking out the paragraph in those lines and inserting in place thereof the following paragraph:

"(k) Approval by the energy facilities siting board pursuant to this section shall not authorize the applicant to commence construction unless and until the applicant obtains a building permit.";

In section 3, in lines 228 to 241, inclusive, by striking out the paragraph in those lines and inserting in place thereof the following paragraph:

"(l) The regulations promulgated pursuant to section 69U shall include clear and concise application requirements, including but not limited to, pre-application survey requirements developed by the energy facilities siting board in consultation with the department of fish and game and the department of environmental protection, and may provide for pre-application consultation and site visits. No application shall be considered complete until surveys, if required, are determined by the department of fish and game or the department of environmental protection to be complete. Sufficient data shall be required from the applicant by these regulations to enable the energy facilities siting board to determine whether the facility meets the standards established under section 69U and if it does not, whether it meets the standards set forth in subsection (g).";

In section 3, in lines 250, 251 and 252, by striking out the following "may appeal therefrom to the superior court department of the trial court, pursuant to the provisions of section 14 of chapter 30A. The decision of the superior court or justice shall be final" and inserting in place thereof the following "shall have a right to judicial review in the manner provided by section 5 of chapter 25. The scope

of such judicial review shall be limited to whether the decision of the energy facilities siting board conforms with the constitutions of the commonwealth and the United States, was made in accordance with the procedures and application of standards established under sections 69U and 69V, and with the rules and regulations of the board with respect to such provisions, was supported by substantial evidence in the record of the board's proceedings and was arbitrary, capricious or an abuse of the board's discretion";

In section 3, in line 257, by striking out the following "of chapter 164";

In section 4, in line 265, by striking out the definition of "division" (as changed by the committee on Bills in the Third Reading);

In section 4, in line 303, by striking out the word "division" and inserting in place thereof the word "department";

In section 4, in line 332 by striking out the word "an" and inserting in place thereof the word "any";

In section 4, in line 417, by inserting after the word "board" (inserted by amendment), the first time it appears, the words "and this appeal shall be the exclusive means of review of such decisions of a wind energy permitting board or a regional planning agency";

In section 4, in lines 419 to 422, inclusive, by striking out the following two sentences "Any interested party aggrieved by a decision of the division under this section may appeal therefrom to the superior court department of the trial court, pursuant to the provisions of section 14 of chapter 30A. The decision of the superior court or justice shall be final.";

In section 4, in lines 423 to 426, inclusive, by striking out the paragraph in those lines and inserting in place thereof the following paragraph:

"An appeal of a decision of the wind energy permitting board denying a permit or granting a permit with conditions, brought by the applicant or by any other proponent of a wind energy facility shall be filed with superior court or the permit session of the land court under section 3A of chapter 185 within 30 days of the filing of the decision with the city or town clerk and this appeal shall be the exclusive means of review of such decisions of a wind energy permitting board. The court shall hear all evidence pertinent to the authority of the wind energy permitting board and determine the facts, and, upon the facts so determined, annul such decision if found to exceed the authority of the wind energy permitting board or make such other decree as justice and equity may require. An appeal brought by the applicant or by any other proponent of a wind energy facility of a decision of a regional planning agency denying a permit or granting a permit with conditions shall be governed by the enabling statute of the applicable regional planning agency and this appeal shall be the exclusive means of review of such decisions of a regional planning agency."

In section 4, in lines 427 through 431, inclusive, by striking out the paragraph in those lines (as changed by the committee on Bills in the Third Reading) and inserting in place thereof the following paragraph:

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"(n) The energy facilities siting board, the wind energy permitting board issuing the permit or municipality in which a wind energy project is to be developed may move to revoke any permit or authorization given to a wind energy facility under this chapter if the person or entity holding the permit fails to perform as prescribed by the permit.";

By inserting after section 4 the following section:

"SECTION 4A. Section 69H of chapter 164, as so appearing, is hereby amended by striking the first two paragraphs and inserting in place thereof the following two paragraphs:—

Section 69H. There is hereby established an energy facilities siting board within the department, but not under the supervision or control of the department. Said board shall implement the provisions contained in sections 69H to 69Q, inclusive, so as to provide a reliable energy supply for the commonwealth with a minimum impact on the environment at the lowest possible cost. To accomplish this, the board shall review the need for, cost of, and environmental impacts of transmission lines, natural gas pipelines, facilities for the manufacture and storage of gas, and oil facilities; provided, however, that the board shall review only the environmental impacts of generating facilities, consistent with the commonwealth's policy of allowing market forces to determine the need for and cost of such facilities. Such reviews shall be conducted consistent with section 69J¼ for generating facilities and with section 69J for all other facilities. Said board shall also implement the provisions contained in sections 69U and 69V, so as to provide for the development of clean, renewable, electric generating plants and ancillary facilities powered by wind, sited in appropriate locations based on clear, predictable and protective environmental, cultural and historic resource standards.

The board shall be composed of the secretary of energy and environmental affairs, who shall serve as chairman, the secretary of housing and economic development, the commissioner of the department of environmental protection, the commissioner of the department of fish and game, the commissioner of the division of energy resources, 2 commissioners of the commonwealth utilities commission, or the designees of any of the foregoing, and 4 public members to be appointed by the governor for a term coterminous with that of the governor, 1 of whom shall be experienced in environmental issues, 1 of whom shall be experienced in labor issues, 1 of whom shall be a municipal official with experience in land use planning, and 1 of whom shall be experienced in energy issues; provided, however that the commissioner of the department of fish and game and the public member who is a municipal official with experience in land use planning shall only be present and serve as members of the board for the implementation, administration and enforcement of sections 69U and 69V, and shall not be present and serve as members of the board for the implementation, administration and enforcement of sections 69H to 69Q, inclusive. The board shall not include as a public member any person who receives, or who has received during the past two years a significant portion of his or her income directly or indirectly from the developer of an energy facility or an electric, gas or oil company. The public members shall serve on a part-time basis, receive $100 per diem of board service, and

shall be reimbursed by the commonwealth for all reasonable expenses actually and necessarily incurred in the performance of official board duties. Upon the resignation of any public member, a successor shall be appointed in a like manner for the unexpired portion of the term. No person shall be appointed to serve more than two consecutive full terms.";

In section 11, in line 463 and 464, by striking out the words "division of wind energy siting" (as printed) and inserting in place thereof the words "energy facilities siting board"; and

In section 11, in line 464, by striking out the following "25D" and inserting in place thereof the figures "164".

The amendments were adopted.

Bill passed to be engrossed,—yea and nay No. 439.

After debate on the question on passing the bill, as amended, to be engrossed, in concurrence, the sense of the House was taken by yeas and nays at the request of Mr. Peterson of Grafton; and on the roll call 101 members voted in the affirmative and 52 in the negative.

[See Yea and Nay No. 439 in Supplement.]

Therefore the bill, as amended, was passed to be engrossed, in concurrence (for House text, as amended, see House document numbered 4886, published as amended). The bill (Senate, No. 2260, amended) then was sent to the Senate for concurrence in the House amendment.

Orders of the Day.

Third reading bills.

Senate bills

Relative to police appointments in the town of Dudley (Senate, No. 1146) (its title having been changed by the committee on Bills in the Third Reading);

Authorizing a certain question relative to a charter revision in the town of Palmer to be placed on the state election ballot (Senate, No. 2352); and

Establishing a sick leave bank for James E. Munchbach, an employee of the Trial Court (Senate, No. 2413);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and passed to be engrossed, in concurrence.

House bills

Id.

Relative to public access of private restrooms (House, No. 2074);

Relative to the Citizens Advisory Board on Uses of the Rumney Marsh Area (House, No. 4431) (its title having been changed by the committee on Bills in the Third Reading);

Authorizing the relocation and replacement of a water line under the Saugus River (House, No. 4432, amended) (its title having been changed by the committee on Bills in the Third Reading);

Providing for the leasing and construction of improvements to the North Branch Library and East Branch Library Buildings in the town of Watertown (House, No. 4667);

Directing the State Secretary to place the office of selectmen on the state election ballot in the town of Mendon (House, No. 4849) (its title having been changed by the committee on Bills in the Third Reading); and

Establishing a sick leave bank for John K. Ryan, an employee of the office of the Inspector General (House, No. 4866);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and passed to be engrossed. Severally sent to the Senate for concurrence.

Second reading bills.

The Senate Bill authorizing the town of Hubbardston to send certain information to voters relative to ballot questions (Senate, No. 2090, amended); and

House bills

To protect farm viability (House, No. 3477);

Establishing a post employment benefits trust fund in the town of Wayland (House, No. 4319); and

Authorizing the town of Lee to grant retirement benefits to Stanley Daoust (House, No. 4709);

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

Tanning facilities.

The Senate Bill further regulating tanning facilities (Senate, No. 2339), 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, in concurrence, Mr. Pedone of Worcester moved to amend it by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4884.

The amendment was adopted; and the bill (Senate, No. 2339, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment.

Wareham,— liquor licenses.

The Senate Bill authorizing the town of Wareham to issue 8 additional liquor licenses (Senate, No. 2520) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, in concurrence, Mr. Pedone of Worcester moved to amend it in section 1, in line 2, by striking out the following "8 licenses to".

The amendment was adopted; and the bill (Senate, No. 2520, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment.

Dartmouth,— Lincoln Park improvement district.

The House Bill creating the Lincoln Park infrastructure financing district in the town of Dartmouth (House, No. 611), 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 substitution of a Bill establishing the Lincoln Park improvement district in the town of Dartmouth (House, No. 4883), which was read.

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

The House Bill relative to check cashing fees (House, No. 296), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and after debate the bill was passed to be engrossed. Sent to the Senate for concurrence.

Check cashing fees.

The House 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 2436) of the House Bill relative to municipal relief (House, No. 4631), reported recommending passage of a bill with the same title (House, No. 4877), was considered.

Municipal relief.

Pending the question on acceptance of the report of the committee of conference, Mr. Pedone of Worcester asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 140 members were recorded as being in attendance.

Quorum,— yea and nay No. 440.

[See Yea and Nay No. 440 in Supplement.]

Therefore a quorum was present.

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

MR. SPEAKER: During the taking of the above quorum roll call, I was absent from the House Chamber on official business in another part of the State House and was not notified that a quorum roll call was in progress.

Statement of Mr. Rogers of Norwood.

After debate on the question on acceptance of the report of the committee of conference, the sense of the House was taken by yeas and nays, at the request of Mr. Donato of Medford; and on the roll call (Mr. Donato now being in the Chair) 137 members voted in the affirmative and 15 in the negative.

Conference committee report accepted,— yea and nay No. 441.

[See Yea and Nay No. 441 in Supplement.]

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

Silent Prayer.

At the request of the Chair (Mr. Donato of Medford), the members, guests and employees stood for a moment of silent prayer in respect to the memory of Robert J. Nyman of Hanover, a member of the House from 1999 to 2010, who passed away on June 25, 2010.

Robert J. Nyman.

Order.

On motion of Mr. DeLeo of Winthrop,—

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

Next sitting.

Mr. DeLeo of Winthrop then moved that as a mark of respect to the memory of Robert J. Nyman, a member of the House from Hanover from 1999 to 2010, the House adjourn; and the motion prevailed.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty-eight minutes after four 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 day at eleven o'clock A.M., in an Informal Session.

Thursday, July 15, 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.

Gracious God, at the beginning of today's legislative session we pause for a moment of reflection to focus our thoughts and attention on You and spiritual truths and values. In Your goodness help us to find the unity of thought and purpose which we seek as we together make our legislative decisions. In these uneasy times grant us the courage to follow our right conscience and to implement reasoned and ethical choices. At all times may our hearts and minds be free of anxiety and distress and filled with Your peace, happiness and serenity. Teach us to appreciate and respect the beauty of nature and the mysteries of creation which You have created for our benefit and enjoyment.

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.

Statement of Representative Driscoll of Braintree.

A statement of Mr. Driscoll of Braintree, was spread upon the records as follows:

Statement of Mr. Driscoll of Braintree.

MR. SPEAKER: I would like to call to the attention of the House the fact that I was not present in the House Chamber for a portion of yesterday's sitting due to official business outside of the State House. Had I been present for the taking of yea and nay numbers 439, on passing to be engrossed the Senate Bill relative to comprehensive siting reform for land based wind projects (Senate, No. 2260, amended), and 441, on accepting a report of the committee of conference relative to municipal relief (House, No. 4877), I would have voted, in each instance, in the affirmative. My missing of roll calls yesterday was due entirely to the reason stated.

Communication.

Unemployment Trust Fund.

A communication from the Division of Unemployment Assistance (under the provision of Chapter 142 of the Acts of 2003) relative to the condition of the Commonwealth's Unemployment Insurance Trust Fund for June, 2010, was placed on file.

Reports of Committees.

Timber,—regulating.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on House, Nos. 765 and 813, a Bill regulating timber harvesting (House, No. 813). Read; and referred, under Rule 33, to the committee on Ways and Means.

Westborough,—liquor license.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on a petition, a Bill authorizing the town of Westborough to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4736) [Local Approval Received].

Pepperell,—ballot question.

By the same member, for the same committee, on a petition, a Bill authorizing the placement of a certain question on the ballot to be used at the November 2010 biennial state election in the town of Pepperell relative to the sale of all alcoholic beverages (House, No. 4846) [Local Approval Received].

Rehoboth,—liquor license.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Rehoboth to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4847) [Local Approval Received].

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

Senior citizen safety zones.

A report of the committee on Municipalities and Regional Government, that the House Bill authorizing the establishment of senior citizen safety zones (House, No. 543) ought NOT to pass (under Joint Rule 10), was considered forthwith, under suspension of the rules, on motion of Ms. Provost of Somerville.

Pending the question on rejection, the bill was recommitted, on further motion of the same member.

Emergency Measures.

James E. Munchbach,—sick leave bank.

The engrossed Bill establishing a sick leave bank for James E. Munchbach, an employee of the Trial Court (see Senate, No. 2413), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

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

Bonds,—terms.

The engrossed Bill providing the terms of certain bonds and notes to be issued by the Commonwealth (see House bill printed in House, No. 4869), 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.

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

Engrossed Bills.

Relative to police appointments in the town of Dudley (see Senate, No. 1146); and Bills enacted.

Authorizing a certain question relative to a charter revision in the town of Palmer to be placed on the state election ballot (see Senate, No. 2352);

(Which severally originated in the Senate);

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.

Orders of the Day.

The Senate Bill relative to the financing of wind energy facilities in the town of Falmouth (Senate, No. 2291, amended), 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. Third reading bill.

Recess.

At nineteen minutes after eleven o'clock A.M., on motion of Mr. Mariano of Quincy (Mr. Donato of Medford being in the Chair), the House recessed until half past one o'clock; and at that time the House was called to order with Mr. Donato in the Chair. Recess.

Paper from the Senate.

The engrossed Bill relative to economic development reorganization (Senate, No. 2380) 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 4863). Economic development.

The bill bore the further endorsement that the Senate had asked for a committee of conference on the disagreeing votes of the two branches; and that Senators Spilka, Downing and Tarr had been appointed the committee on the part of the Senate. Committee of conference.

On motion of Mr. Dempsey of Haverhill, the House insisted on its amendment; and, on further motion of the same member, concurred with the Senate in the appointment of a committee of conference. Representatives Dempsey, Bradley of Hingham and deMacedo of Plymouth were appointed the committee on the part of the House. Sent to the Senate to be noted. Id.

Engrossed Bills.

Relative to the financing of wind energy facilities in the town of Falmouth (see Senate, No. 2291, amended) (which originated in the House); and Bills enacted.

Relative to the sewer service area for the town of Lunenburg (see House, No. 4561, amended) (which 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,—

Next sitting.

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

At twenty-one minutes before three 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.

Monday, July 19, 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, in this changing and uneasy world, we place our trust and hope in You. We believe that You are always near us so that we can call upon You and Your assistance at all times and in all circumstances. At the beginning of today's legislative session, we look to You for guidance as we pass judgment on the matters which come before us. Help us to make the right, reasoned and sound ethical choices so that both the people and society will be well-served. In these economic stressful times, with limited public resources, teach us to be mindful of the needs of people who depend upon others for their daily existence. As we struggle to resolve today's complex public policy issues, teach us, at the same time, to plan for a bright future for our families and our communities.

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.

Message from the Governor.

Hopkinton,—validate acts.

A message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the actions taken at a certain town election in the town of Hopkinton (House, No. 4893) was filed in the office of the Clerk on Thursday, July 15.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Election Laws. Sent to the Senate for concurrence.

Appointments of the Minority Leader.

The Minority Leader announced that he had made the following appointments:

Military deployment,—testing program.

That Representative Smola of Palmer had been appointed to serve on the special commission established (under Section 13 of Chapter 132 of the Acts of 2009) to study the feasibility and costs of establishing a functional magnetic resonance imaging and neuropsychological cognitive testing program for all military forces of the commonwealth prior to and upon return from deployment;

College tuition retention.

That Representative Humason of Westfield had been appointed to the special commission established (under Section 162 of Chapter 131 of the Acts of 2010) to make an investigation and study relative to higher education in-state tuition retention;

Stimulus expenditures.

That Mr. Stephen Capone of North Reading, the owner of Capone Iron Corporation in the town of Rowley, had been appointed to serve on the special commission established (under Section 167 of Chapter 131 of the Acts of 2010) to investigate and study the expenditure of funds received through the American Reinvestment and Recovery Act;

Operating budget,—transfers.

That Representative Polito of Shrewsbury had been appointed to the special commission established (under Section 168 of Chapter 131 of the Acts of 2010) for the purpose of making an investigation and study relative to the feasibility of transferring personnel that are currently funded from the capital budget to the operating budget and transferring capital projects funded from the operating budget to the capital budget; and

Medicaid program advisory committee.

That Representative Barrows of Mansfield had been appointed to the advisory committee established (under Section 178 of Chapter 131 of the Acts of 2010) to study the comparative costs and benefits of different care delivery models for the Medicaid program including, but not limited to, all-managed care, a state-contracted chronic disease management program and patient-centered medical homes.

Guests of the House.

Grannies Grannies of Limpopo, South Africa.

During the session, the Chair (Mr. Donato of Medford) declared a brief recess and introduced the "Vekhegula Vakhegula" or "Grannies Grannies" from Limpopo, South Africa, ranging in age from 49 to 84 years young. They convene twice a week swapping domestic and field chores for football, donning soccer boots instead of their usual rubber sandals. The team was established five years ago to improve the health and fitness levels of these women. Limpopo, an impoverished area in South Africa, has poor treatment for all health problems from high blood pressure to cancer. These remarkable women are enjoying the benefits of improved health, team camaraderie, and the accomplishment of learning new skills.

This past weekend they were invited to participate in the Veterans Cup in the town of Lancaster, hosted by the United States Adult Soccer Association, where they won the Veteran's Cup in the Women Over 60 Division.

The women then entertained the House with beautiful singing of African music.

They were the guests of Representatives Khan of Newton and Rushing of Boston.

Resolutions.

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

Donald Smith.

Resolutions (filed by Representatives Poirier of North Attleborough and Perry of Sandwich) commemorating the Shawme-Crowell State Forest dedication and memorial ceremony honoring Donald Smith;

Patrick Connor Brown.

Resolutions (filed by Mr. D'Amico of Seekonk) congratulating Patrick Connor Brown on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. D'Amico of Seekonk) congratulating Michael Mullen on receiving the Eagle Award of the Boy Scouts of America; Michael Mullen.

Resolutions (filed by Mr. D'Amico of Seekonk) congratulating Tighe D. Ratcliffe on receiving the Eagle Award of the Boy Scouts of America; Tighe D. Ratcliffe.

Resolutions (filed by Ms. Peake of Provincetown) congratulating Patrick Donnelly on receiving the Eagle Award of the Boy Scouts of America; and Patrick Donnelly.

Resolutions (filed by Ms. Peake of Provincetown) congratulating Pamet Harbor Yacht and Tennis Club on the occasion of its fiftieth anniversary celebration; Pamet Harbor Yacht and Tennis Club.

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. Murphy of Burlington, 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. Brownsberger of Belmont, a petition (accompanied by bill House, No. 4894) of William N. Brownsberger and Steven A. Tolman (by vote of the town) that the town of Belmont be authorized to grant liquor licenses for the sale of all alcoholic beverages; Belmont,—liquor license.

By Representative Garry of Dracut and Senator Tucker, a joint petition (accompanied by bill House, No. 4895) of Colleen M. Garry and Susan C. Tucker (by vote of the town) for legislation to authorize the town of Dracut to issue an additional liquor license for the sale of wine and malt beverages not to be drunk on the premises; and Dracut,—liquor license.

By Mr. McMurtry of Dedham, a petition (accompanied by bill House, No. 4896) of Paul McMurtry (by vote of the town) for legislation to authorize the town of Dedham to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises; Dedham,—liquor license.

Severally to the committee on Consumer Protection and Professional Licensure.

By Representative Rice of Gardner and Senator Flanagan, a joint petition (accompanied by bill House, No. 4897) of Robert L. Rice, Jr., and Jennifer L. Flanagan (with the approval of the mayor and city council) for legislation authorizing the placement of a certain question on the state election ballot in the city of Gardner. To the committee on Election Laws. Gardner,—snow removal.

By Ms. Grant of Beverly, a petition (accompanied by bill House, No. 4905) of Mary E. Grant (with the approval of the mayor and city council) relative to authorizing the city of Beverly to convey certain land; Beverly,—land.

By Representative Linsky of Natick and Senator Ross, a joint petition (accompanied by bill House, No. 4898) of David P. Linsky and Richard J. Ross (by vote of the town) for legislation authorizing the town of Sherborn to use certain town forest land for the purpose of constructing, operating, and maintaining a wireless telecommunications facility; and Sherborn,—town forest land.

Shrewsbury,— school construction fund.

By Ms. Polito of Shrewsbury, a petition (accompanied by bill House, No. 4899) of Karyn E. Polito and Michael O. Moore (by vote of the town) for legislation authorizing the town of Shrewsbury to create a special fund for school construction projects;

Severally to the committee on Municipalities and Regional Government.

Methuen,— Christopher J. Lane.

By Mrs. Campbell of Methuen, a petition (accompanied by bill House, No. 4900) of Linda Dean Campbell (with the approval of the mayor and city council) relative to the appointment of Christopher J. Lane as a police officer in the city Methuen, notwithstanding the maximum age requirements. To the committee on Public Service.

Belmont,— property tax billing.

By Mr. Brownsberger of Belmont, a petition (accompanied by bill House, No. 4901) of William N. Brownsberger and Steven A. Tolman (by vote of the town) for legislation authorizing the modification of the form of property tax billing in the town of Belmont. To the committee on Revenue.

Severally sent to the Senate for concurrence.

Papers from the Senate.

Bills

Debtor proceedings.

Authorizing the transfer of supplementary proceedings when the judgment debtor moves (Senate, No. 2548) (on Senate bill No. 1639); and

Deed recording requirements.

Clarifying recording requirements at registries of deeds (Senate, No. 2549) (on Senate bill No. 2369);

Severally passed to be engrossed by the Senate were read; and they were referred, under Rule 33, to the committee on Ways and Means.

Bills

Gloucester,— linkage.

Establishing a linkage extraction program in the city of Gloucester (Senate, No. 100) (on a petition) [Local Approval Received];

Sharon Baert,— sick leave bank.

Establishing a sick leave bank for Sharon Baert, an employee of the Department of Developmental Services (Senate, No. 2466, amended in line 4 by inserting after the name "Baert." 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.") (on a petition); and

Motor vehicles,— reckless operation.

Authorizing the warrantless arrest for reckless or negligent operation that results in serious bodily injury or death (Senate, No. 2472) (on Senate, No. 1570);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reports of Committees.

Cost containment.

By Mr. Binienda of Worcester, for the committee on Rules, asking to be discharged from further consideration of the Senate Bill to promote cost containment, transparency and efficiency in the provision of quality health insurance for individuals and small businesses (Senate, No. 2447),— and recommending that the same be referred to the committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted.

A report of the committee on Environment, Natural Resources and Agriculture, ought NOT to pass (under Joint Rule 10) on the petition (accompanied by bill, House, No. 4725) of Frank I. Smizik relative to preserving public trust rights in land affected by ocean erosion, was considered forthwith, under suspension of the rules, on motion of Mr. Straus of Mattapoisett.

Ocean erosion,— trust rights.

Pending the question on acceptance of the report, the petition was recommitted, on motion of Mr. Smizik of Brookline.

By Ms. Wolf of Cambridge, for the committee on Elder Affairs, on Senate, Nos. 300, 304, 325 and House, Nos. 538, 539, 540, 546, 547, 3662 and 3663, an Order relative to authorizing the committee on Elder Affairs to make an investigation and study of certain Senate and House documents concerning elder issues (House, No. 4904).

Elder Affairs,— study.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on House, Nos. 693, 694, 707, 708, 709, 710, 711, 712, 713, 715, 719, 720, 729, 730, 733, 734, 735, 744, 745, 750, 761, 763, 766, 770, 771, 795, 798, 805, 816, 830, 840, 842 and 3675, an Order relative to authorizing the committee on Environment, Natural Resources and Agriculture to make an investigation and study of certain House documents concerning environmental issues (House, No. 4889).

Environment, Natural Resources and Agriculture,— study.

By Mr. Koutoujian of Waltham, for the committee on Financial Services, on Senate, Nos. 472, 488, 515, 522 and House, Nos. 857, 859, 861, 867, 869, 870, 871, 873, 875, 876, 877, 880, 882, 894, 895, 911, 912, 928, 1015, 1021, 1022, 1029, 1030, 1037, 1054, 1058, 3449 and 3677, an Order relative to authorizing the committee on Financial Services to make an investigation and study of certain Senate and House documents concerning financial services (House, No. 4890).

Financial Services,— study.

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.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on House, Nos. 854 and 3440, a Bill relative to the reduction of particulate emissions from Diesel engines (House, No. 4903). Read; and referred, under Joint Rule 29, to the committee on Rules of the two branches, acting concurrently.

Diesel engines.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on House, No. 726, a Bill relative to producer responsibility for mercury-added lamps (House, No. 4902).

Mercury lamps.

By Mr. Walsh of Lynn, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill authorizing the city of Cambridge to grant a permanent easement on and over certain strips of land owned by the city of Cambridge in Watertown, Massachusetts (House, No. 4874) [Local Approval Received].

Cambridge,— land.

Cambridge,— land.

By the same member, for the same committee, on a petition, a Bill authorizing the grant of easements upon land of the Commonwealth located in the city of Cambridge (House, No. 4875).

Grafton,— land.

By the same member, for the same committee, on House, No. 4780, a Bill authorizing the leasing of land in Grafton to the United States Department of Labor and authorizing the conveyance or lease of surplus state-owned properties (House, No. 4892).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Collective bargaining.

By Ms. Coakley-Rivera of Springfield, for the committee on Labor and Workforce Development, on House, No. 607, a Bill relative to collective bargaining agreements (House, No. 4891).

Trash,— transportation.

By Mr. Sánchez of Boston, for the committee on Public Health, on a petition, a Bill relative to the removal or transportation of trash (House, No. 2186).

Colleen Robichaud,— sick leave.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Colleen Robichaud, an employee of the Registry of Motor Vehicles (House, No. 4777).

Littleton,— light department.

By Mr. Finegold of Andover, for the committee on Telecommunications, Utilities and Energy, on a petition, a Bill relative to the town of Littleton Electric Light Department (House, No. 4741) [Local Approval Received].

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

Prescription monitoring program.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill relative to the enhancement of the prescription monitoring program (House, No. 4478) be scheduled for consideration by the House, 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. 4770),— and 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. 4879),— pending.

Placed in the Orders of the Day for the next sitting for a second reading, with the amendments pending.

Engrossed Bills.

Engrossed bills.

Engrossed bills

Relative to the sale of antique barometers, thermometers and clocks (see Senate, No. 2403); and

Establishing a sick leave bank for James E. Munchbach, an employee of the Trial Court (see Senate, No. 2413);

(Which severally originated in the Senate);

In respect to each of which the Senate had concurred in adoption of the emergency preamble, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Id.

Engrossed bills

Authorizing the town of Wareham to issue 8 additional liquor licenses (see Senate, No. 2520, amended) (which originated in the Senate);

Relative to minimum age requirement for obtaining identification cards (see House, No. 4512); and

Relative to state universities (see House, No. 4864);

(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 tomorrow at one o'clock P.M. Next sitting.

At ten minutes before twelve o'clock noon, on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at one o'clock P.M.

Tuesday, July 20, 2010.

Met at eight minutes after one o'clock P.M., with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

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

Prayer.

God, our Creator, we open our hearts and minds to You and Your ways and wisdom as we begin today's session. Help us to make right and reasoned decisions as we take up the legislative items which come before us. Inspire us to enact legislation and to implement public policy which serve people and the common good. When we disagree on issues teach us to dialogue together in a reasonable and intellectual manner so that the people will be well served. In this age of worldwide violence against the innocent people, teach us to continue our respect for the dignity and constitutional rights of all.

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.

Statement of Representative Canessa of New Bedford.

A statement of Mr. Canessa of New Bedford was spread upon the records of the House, as follows:

Statement of Mr. Canessa of New Bedford.

MR. SPEAKER: I would like to call to the attention of the House the fact that I will be unable to be present in the House Chamber for a portion of today's sitting due to a previously-scheduled important public meeting in my district regarding the flooding crisis earlier this year. My missing of roll calls for the remainder of today will be due entirely to the reason stated.

Petitions.

Petitions severally were presented and referred as follows:

Hingham,—Water Authority.

By Representative Bradley of Hingham and Senator Hedlund, a joint petition (subject to Joint Rule 12) of Garrett Bradley and Robert A. Hedlund (by vote of the town) relative to authorizing the town of Hingham to become a permanent member of the Massachusetts Water Resources Authority;

Winthrop,—Kilmartin walkway.

By Mr. DeLeo of Winthrop, a petition (subject to Joint Rule 12) of Robert A. DeLeo for legislation designating a certain walkway in Winthrop as the John Kilmartin Walkway;

Illegal residents,—public funds.

By Mr. Falzone of Saugus, a petition (subject to Joint Rule 12) of Mark V. Falzone for an investigation by a special commission (including members of the General Court) relative to regulating the use of public funds for the benefit of illegal residents of the Commonwealth;

Boy Scouts,—license plate.

By Representative Fernandes of Milford and Senator Moore, a joint petition (subject to Joint Rule 12) of John V. Fernandes and Richard T.

Moore relative to authorizing the design and issuance of a distinctive license plate in support of the Boy Scouts of America;

By Representative Kocot of Northampton and Senator Rosenberg, a joint petition (subject to Joint Rule 12) of Peter V. Kocot and Stanley C. Rosenberg for legislation to establish a sick leave bank for Edward Driscoll, an employee of the Trial Court; Edward Driscoll,— sick leave.

By Mrs. Poirier of North Attleborough, a petition (subject to Joint Rule 12) of Elizabeth A. Poirier, Bradley H. Jones, Jr., and others relative to the department of corrections work release program; and Corrections,— work release.

By Mr. Straus of Mattapoisett, a petition (subject to Joint Rule 12) of William M. Straus relative to establishing a sick leave bank for Matthew Normandeau, an employee of the Bristol County Sheriff's Office. Matthew Normandeau,— sick leave.

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

Papers from the Senate.

The House Bill designating a certain bridge in the town of Billerica as the John F. Leary Bridge (House, No. 3232) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out the first sentence and inserting in place thereof the following sentence "The bridge no. B-12-001 spanning the Concord river and located on Nashua road, route 4 in the town of Billerica shall be designated and known as the John F. Leary Bridge.". Billerica,— John F. Leary Bridge.

Under suspension of Rule 35, on motion of Mr. Greene of Billerica, 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.

Bills

Relative to limiting certain types of dual alcohol licensure (Senate, No. 169, amended in section 1, in line 6, and in section 2, in line 13, by striking out the year "2007" and inserting in place thereof, in each instance, the year "2011") (on a petition); Liquor licenses.

To protect public water supply lands (Senate, No. 2552) (on Senate bill, No. 370); and Public water supplies.

Authorizing the Commonwealth of Massachusetts to convey a certain parcel of land in the town of Dartmouth (Senate, No. 2553) (on Senate, No. 2443); Dartmouth,— land conveyance.

Severally passed to be engrossed by the Senate were read; and they were referred, under Rule 33, to the committee on Ways and Means.

Bills

Exempting the position of deputy chief of police in the city of Somerville from the civil service law (Senate, No. 2263) (on a petition) [Local Approval Received]; and Somerville,— police chief.

Exempting the office of deputy chief of police in the town of Rockland from the civil service law (Senate, No. 2475) (on a petition) [Local Approval Received]; Rockland,— deputy police chief.

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Florida,—tax exemption.

A petition (accompanied by bill, Senate, No. 2551) of Benjamin B. Downing and Daniel E. Bosley (by vote of the town) for legislation relative to the position of appointed treasurer collector in the town of Florida, was referred, in concurrence, to the committee on Municipalities and Regional Government.

Reports of Committees.

Education,—study.

By Ms. Walz of Boston, for the committee on Education, on House, Nos. 357, 370, 388, 391, 403, 406, 421, 437, 446, 448, 472, 485, 497, 3429, and 3657, an Order relative to authorizing the committee on Education to make an investigation and study of certain House documents concerning education issues (House, No. 4906). 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.

Nonprofit,—retirement options.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill provide retirement options for nonprofit organizations (House, No. 78) ought to pass with an amendment substituting therefore a Bill to provide retirement options for nonprofit organizations (House, No. 4907);

Auction,—wine sales.

By the same member, for the same committee, that the Bill relative to the sale of wine at auction (House, No. 397) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4908);

Workers' compensation,—audits.

By the same member, for the same committee, that the Bill to provide incentives for productive workers compensation audits (House, No. 1846, changed) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4909; and

Identification,—verification.

By the same member, for the same committee, that the Bill relative to the security of vital records and verification of identity (House, No. 2064) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4910);

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

Emergency Measures.

Organ and tissue donors,—registration fund.

The engrossed Bill establishing an organ and tissue donor registration fund (see Senate, No. 2515, 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 11 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.

The engrossed Bill establishing a sick leave bank for John K. Ryan, an employee of the Office of the Inspector General (see House, No. 4866), 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.

John K. Ryan,— sick leave.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 10 to 0. Sent to the Senate for concurrence.

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

Bill enacted.

Engrossed Bills.

Engrossed bills

Relative to the requirements for licensing as a real estate broker or salesman (see Senate, No. 121, amended) (which originated in the Senate);

Bills enacted.

Relative to the determination of condominium common area interest (see House, No. 1235);

Relative to time-share ownership (see House, No. 4803); and

Relative to municipal relief (see House, No. 4877);

(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 it were signed by the acting Speaker and sent to the Senate.

The engrossed Bill relative to the agreement among the states to elect the President by national popular vote (see House, No. 4156) (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.

U.S. President,— national popular vote election.

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. Jones of North Reading; and on the roll call 116 members voted in the affirmative and 34 in the negative.

Bill enacted,— yea and nay No. 442.

[See Yea and Nay No. 442 in Supplement.]

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

Official Memorial Remembrance Ceremony in Respect to the Memory of Representative Robert J. Nyman.

Representative Robert J. Nyman of Hanover,—memorial ceremony.

The Speaker being in the Chair, a memorial remembrance ceremony in respect to the memory of the late Robert J. Nyman, a member of the House of Representatives from Hanover from 1999 to 2010, inclusive, commenced in the House Chamber at half past one o'clock P.M.

Prayer.

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

Gracious God, in Whom we place our faith, hope and trust, this afternoon we are gathered in this historic chamber to participate in a memorial service for our dear colleague, Representative Bob Nyman whom You have called from his human life to You and his eternal life. In Your mercy grant him eternal peace, happiness, refreshment and rest. In life he served You, his family and the people of the 5th Plymouth District and the Commonwealth in a faithful, honorable, devoted and caring manner. We, the members of the House and his many friends, are grateful to him for sharing with us his friendship, knowledge, wisdom and genuine concern for people. Our hearts are filled with sorrow at his earthly death but at the same time with joy that he has found a lasting reward in Heaven, his eternal home for deeds well done. May he and all the deceased members of this House of Representative rest in eternal peace as we thank them for their service to the people of the Commonwealth. Amen.

Remarks of Speaker DeLeo.

Speaker DeLeo then welcomed Representative Nyman's family and offered the condolences of the House. He also reflected on several personal and professional moments that they had shared.

Barbara Flynn.

The Speaker then introduced Barbara Flynn, wife of Representative Flynn of Bridgewater, who performed a medley of the songs *America the Beautiful* and *God Bless America.*

Remarks of Mr. Flynn of Bridgewater.

The Speaker then turned the Chair over to Representative Flynn, whom he called Representative Nyman's mentor. Representative Flynn then addressed those gathered about his memories of Bob over the past thirty years.

Remarks of Mrs. Nyman.

The Speaker then returned to the Chair and introduced Bob's wife, Mrs. Rhonda Nyman, who addressed those assembled, thanking the membership for all of the support shown over the past few weeks.

Governor and Senate.

The Speaker then read a letter with condolences from His Excellency the Governor. He further conveyed the condolences of Senate President Murray, as well as the entire Senate. He noted that Senator Thomas P. Kennedy was present in the chamber.

Benediction.

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

As we conclude the memorial service for Representative Bob Nyman, we give thanks to You God of Goodness and Mercy for the

spiritual and material blessings and gifts which You bestowed upon Bob Nyman during his lifetime. These gifts and blessings are signs to us of Your care and love for him and for us. We are grateful to Bob for his friendship and sharing with us as members of the House his concerns for this body and the people whom he represented. We have all benefited by his presence and goodwill in this House. May the good Lord grant him eternal peace and happiness and his devoted family strength in their time of grief and transition. Amen.

Recesses.

Recesses.

Mr. Donato of Medford being in the Chair, at ten minutes after two o'clock P.M., on motion of Mr. DeLeo of Winthrop, the House recess until twenty minutes before three o'clock; and at ten minutes before three o'clock the House was called to order with Mr. Donato in the Chair.

The House thereupon took a further recess, on motion of Mr. Costello of Newburyport, until a quarter after three o'clock; and at nineteen minutes before four o'clock, the House was called to order with Mr. Donato in the Chair.

Matter Discharged from the Orders of the Day.

Boston,—election ballots.

The House Bill relative to the preparation of certain ballots in the city of Boston (House, No. 4880) (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, under suspension of Rule 47, on motion of Mr. Moran of Boston.

After remarks, on the question on passing the bill to be engrossed, Mr. Jones of North Reading and other members of the House moved to amend it by adding the following section:

"SECTION 10. Notwithstanding any general or special law to the contrary, any costs resulting from the provisions of this act shall be borne by the city of Boston. The secretary of the Commonwealth shall enter into an agreement with the city of Boston regarding such costs prior to the effective date of this act.".

The amendment was adopted.

Bill passed to be engrossed,—yea and nay No. 443.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays at the request of Mr. Peterson of Grafton; and on the roll call 118 members voted in the affirmative and 35 in the negative.

[See Yea and Nay No. 443 in Supplement.]

Therefore the bill (House, No. 4880, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Reports of Committees.

General Appropriation Bill.

Mr. Murphy of Burlington, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 4840), 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 2011 for

General Appropriation Bill.

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. 4800), reported, in part, that a section and certain items stand (as passed by the General Court). Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee reported, in each instance, that the matters be scheduled for consideration by the House. Under suspension of Rule 7A, in each instance, on motion of the same member, the reports were considered forthwith.

Worcester County District Attorney's Office item 0340-0420 stands,— yea and nay No. 444.

Item 0340-0420 (contained in section 2) (Worcester County District Attorney's Office – moving expenses), which had been disapproved (in part) by the Governor was considered.

After remarks, 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 139 members voted in the affirmative and 13 in the negative.

[See Yea and Nay No. 444 in Supplement.]

[Mr. Alicea of Charlton answered "Present" in response to his name.]

Therefore item 0340-0420 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.

Civil motor vehicle infraction hearing fee Section 57 stands,— yea and nay No. 445.

Section 57 (civil motor vehicle infraction hearing fee), which had been disapproved by the Governor was considered.

After remarks, on the question on passing said section, 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 141 members voted in the affirmative and 12 in the negative.

[See Yea and Nay No. 445 in Supplement.]

Therefore section 57 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.

State Retiree Benefit Trust Fund item 1599-6152 stands,— yea and nay No. 446.

Item 1599-6152 (contained in section 2) (State Retiree Benefit Trust Fund), which had been disapproved (in part) by the Governor was considered.

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 124 members voted in the affirmative and 29 in the negative.

[See Yea and Nay No. 446 in Supplement.]

Therefore item 1599-6152 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.

Item 7003-0701 (contained in section 2) (workforce training grants), which had been disapproved (in part) by the Governor was considered.

After debate, 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 106 members voted in the affirmative and 43 in the negative.

Workforce training grants item 7003-0701 stands,— yea and nay No. 447.

[See Yea and Nay No. 447 in Supplement.]

Therefore item 7003-0701 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.

Item 8324-0000 (contained in section 2) (Department of Fire Services), which had been disapproved (in part) by the Governor was considered.

After remarks, 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 150 members voted in the affirmative and 0 in the negative.

Department of Fire Services item 8324-0000 stands,— yea and nay No. 448.

[See Yea and Nay No. 448 in Supplement.]

Therefore item 8324-0000 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.

Matter Discharged from the Orders of the Day.

The engrossed Bill to conduct a study of chemicals infiltrating aquifers and bedrock fissures along the Interstate 95 corridor (see House, No. 4838) [being a printed copy of Section 176 contained in the engrossed Bill making appropriations for the fiscal year 2011 (see House, No. 4800), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see House, No. 4840)], was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Pedone of Worcester.

Interstate 95,— chemical study.

The committee on Bills in the Third reported recommending that the amendment recommended by the Governor be considered in the form approved by the committee; and the report was accepted. The amendment recommended by the Governor then was rejected.

Representatives Hill of Ipswich and L'Italien of Andover then moved to amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

"SECTION 1. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

'Safe drinking water' is defined as water meeting or exceeding all primary and secondary standards, and recommended guidelines for drinking water as defined by the Massachusetts Department of Environmental Protection.

Interstate 95,—chemical study.

'I-95 Corridor' as used herein is defined as the area within the Town of Boxford located approximately 1,500 feet from any portion of Interstate Highway 95.

SECTION 2. The Massachusetts Department of Transportation shall conduct a comprehensive study to determine the cumulative and immediate effects of deicing chemical storage and deicing operations on the groundwater aquifer(s) and bedrock fissures within the I-95 Corridor. Specifically: the study shall determine how and why deicing chemicals applied to Interstate 95 have infiltrated the ground water aquifers and bedrock and what measures need to be taken to prevent it from occurring in the future. The study shall provide recommendations as to: (i) the proximate cause(s) of deicing chemicals, including sodium and chloride, infiltration into the groundwater aquifer(s) and bedrock fissures within the I-95 Corridor; (ii) short-term and long-term remedial action(s) necessary to restore groundwater quality to a Safe Drinking Water standard within the I-95 Corridor; (iii) a plan to modify highway drainage systems so as to prevent storm water run-off and highway drainage from adversely impacting aquifers, bedrock and adjacent wetland resource areas; and (iv) an alternative means to provide a reliable and adequate safe drinking water supply to the residents located within the I-95 Corridor meeting all state and local requirements.

SECTION 3. The Department of Transportation shall conduct said study utilizing an independent consultant. The development of the study scope of work, the selection of the independent consultant, and review of study recommendations, shall all be conducted jointly by DOT and a Committee to be appointed by the Boxford Board of Selectmen and the Boxford Board of Health. Within two years of the passage of this act, the Department of Transportation shall file a report of its activities and the developed recommendations with the governor and the clerks of the House of Representatives and the Senate who shall forward the same to the House and Senate committees on ways and means and other committees as appropriate. To the extent the report provides for disbursement of appropriations or other moneys authorized by the general court, the plan shall be subject to the approval of the secretary of transportation and the secretary of administration and finance.".

Amendment adopted,—yea and nay No. 449.

On the question on adoption of the amendment, the sense of the House was take by yeas and nays at the request of Ms. L'Italien; and on the roll call 149 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 449 in Supplement.]

Therefore the amendment was adopted.

Sent to the Senate for its action.

Report of a Committee.

Small business health insurance bill,—procedures.

Mr. Binienda of Worcester, for the committee on Rules, reported (under the provisions of House Rules 7B and 7C) an Order relative to special procedures for consideration of the Senate Bill relative to small business health insurance (Senate, No. 2447) (for order, see House, No. 4914).

Order adopted,—

On the question on adoption of the order, the sense of the House was take by yeas and nays at the request of Mr. Jones of North Read-

ing; and on the roll call 128 members voted in the affirmative and 21 in the negative. yea and nay No. 450.

[See Yea and Nay No. 450 in Supplement.]

Therefore the order was adopted.

Paper from the Senate.

The House Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey certain land in the town of Agawam (House, No. 4289) came from the Senate passed to be engrossed, in concurrence, with amendments striking out all after the enacting clause and inserting in place thereof the text contained in Senate, No. 2384, amended in section 1, in lines 8 and 9, by striking out the ", if deemed necessary by the Massachusetts historical commission"; and inserting before the enacting clause the following emergency preamble: Agawam,—land.

"*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the conveyance of land in the town of Agawam for veterans housing, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.".

Ms. Sandlin of Agawam then moved that Rule 35 be suspended in order that the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) might be considered forthwith.

Pending the question on suspension of Rule 35, Mr. Guyer of Dalton asked for a count of the House to ascertain if a quorum was in attendance. Quorum.

A quorum not being present, under the provisions of Rule 82, the Chair (Mr. Donato of Medford), at twenty-two minutes after five o'clock P.M. (Tuesday, July 20, 2010), declared a recess of the House until the following day at one o'clock P.M.; and at six minutes after one o'clock (Wednesday, July 21, 2010) the House was called to order with Mr. Petrolati of Ludlow in the Chair. Recess.

Wednesday, July 21, 2010 (at 1:06 o'clock P.M.).

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

God, Our Creator and Guide, we open today's formal legislative session with a prayer for Your assistance and direction as we take up and evaluate the items on today's calendar. Inspire us to work together as we struggle to meet the realistic expectations of the people and the many needs of the constituents in our various communities and the Commonwealth. Your gift of knowledge enables us to understand more clearly the items which come before us and Your gift of wisdom helps us to make right and appropriate decisions. For this we are grateful. At all times may we be guided by sound principles, honorable goals and objective values as we struggle to make our communities prosperous, safe and family friendly. Teach us to be good listeners to the views and insights of others, but faithful to our traditional principles, values and beliefs.

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. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Statement Concerning Representative Aguiar of Fall River.

A statement of Mr. Nangle of Lowell concerning Mr. Aguiar of Fall River was spread upon the records of the House, as follows:

Statement concerning Mr. Aguiar of Fall River.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Aguiar of Fall River is unable to be present in the House Chamber for today's sitting due to his mother's illness. His missing of roll calls today is due entirely to the reason stated.

Statement of Representative Rogers of Norwood.

A statement of Mr. Rogers of Norwood was spread upon the records of the House, as follows:

Statement of Mr. Rogers of Norwood.

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for yesterday's sitting due to official business in another part of the State House. Had I been present for the taking of yeas and nays number 442, on passing to be enacted the engrossed Bill relative to the agreement among the states to elect the President by national popular vote, I would have voted in the affirmative. My missing a roll call yesterday was due entirely to the reason stated.

Resolutions.

Robert George Middleton, Jr.

Resolutions (filed with the Clerk by Mrs. Poirier of North Attleborough) congratulating and recognizing Reverend Robert George Middleton, Jr., on the occasion of his retirement from the First Baptist Church of North Attleborough, were referred, under Rule 85, to the committee on Rules.

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

Unfinished Business.

Agawam,—land.

The motion of Ms. Sandlin of Agawam, at the previous session, that Rule 35 be suspended in order that the House might consider the Senate amendments to the House Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey certain land in the town of Agawam (House, No. 4289), prevailed. The House then concurred with the Senate in its amendments.

Papers from the Senate.

Manchester-by-the-Sea,—water supply.

The House Bill authorizing the town of Manchester-by-the-Sea to grant an easement over certain land acquired for water supply purposes

(House, No. 4304) came from the Senate passed to be engrossed, in concurrence, with amendments in section 1, in line 4, by inserting after the word "course." the following sentence "The deed conveying the easement shall include a requirement that the Essex County Club shall utilize the land so as not to degrade the public water supply.".

Under suspension of Rule 35, on motion of Mr. Hill of Ipswich, 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.

School nutrition.

The House Bill relative to school nutrition (House, No. 4459, amended) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2322.

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

Pending the question on concurring with the Senate in its amendment, the same member moved to amend it by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4919; and the further amendment was adopted.

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

Dental benefit corporation.

A petition of Harriette L. Chandler and John W. Scibak for legislation relative to financial services contracts for dental benefits corporation, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Financial Services.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2562) was referred, in concurrence, to the committee on Financial Services.

Bills

Architects,—liens.

Relative to a lien for architects, engineers, land surveyors and professionals (Senate, No. 2512, amended in section 2, in line 51, by striking the word "prime" and inserting in place the word "original" and in line 75 by striking the word "prime") (on Senate, No. 1806); and

Debt collection.

Further regulating debt collection (Senate, No. 2557) (on Senate bill No. 1712);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

Bills

Debt collections.

Protecting victims of unlicensed debt collection activity (Senate, No. 132) (on a petition);

Hazardous waste.

Authorizing municipalities to petition for public involvement plans in hazardous materials sites (Senate, No. 418) (on a petition); and

Water meters,—tampering.

Relative to tampering with water company meters (Senate, No. 1486) (on a petition);

Severally passed to be engrossed by the Senate were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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 following petitions:

Human trafficking.

Petition (accompanied by bill) of Kay Khan for legislation to establish a fund to provide services for victims of human trafficking. To the committee on the Judiciary.

David L. Grafton,— fire fighter eligibility.

Petition (accompanied by bill) of James M. Grafton and Richard R. Tisei relative to the eligibility of David L. Grafton for appointment to the position of fire fighter within the Commonwealth. To the committee on Public Service.

Under suspension of the rules, on motion of Ms. Khan of Newton, the reports were considered forthwith. Joint Rule 12 was suspended, in each instance. Severally sent to the Senate for concurrence.

Stoughton,— enterprise fund.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to the Public Health Enterprise Fund in the town of Stoughton (House, No. 4852) [Local Approval Received], which was read.

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

Shirley,— land.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill authorizing the lease of certain conservation land in the town of Shirley (House, No. 4885) [Local Approval Received]. Read; and 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 by the House.

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

Beverly,— land.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill authorizing the city of Beverly to convey certain land located in the city of Beverly (House, No. 4905) [Local Approval Received]. Read; and 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 by the House.

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

Credit unions.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Senate Bill relative to credit union shares and deposits (Senate, No. 468) be scheduled for consideration by the House.

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

Health aides,—medicine prohibition.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Senate Bill prohibiting the administration of certain medicines by home health aides (Senate, No. 860) be scheduled for consideration by the House.

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

Erving,—benefits trust fund.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Senate Bill authorizing the town of Erving to establish an other postemployment benefits trust fund (Senate, No. 2387) [Local Approval Received] be scheduled for consideration by the House.

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

Sharon Baert,—sick leave.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Senate Bill establishing a sick leave bank for Sharon Baert, an employee of the Department of Developmental Services (Senate, No. 2466, amended) be scheduled for consideration by the House.

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

Rockland,—deputy police chief.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Senate Bill exempting the office of deputy chief of police in the town of Rockland from the civil service law (Senate, No. 2475) be scheduled for consideration by the House.

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

Dental hygienists,—regulate.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill making technical corrections to chapter 530 of the 2008 session laws (printed as Senate, No. 804) be scheduled for consideration by the House.

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

Acute care,—needs.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill to modernize determination of need review for non-acute hospitals (printed as Senate, No. 853) be scheduled for consideration by the House.

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

Investment adviser registration.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill relative to investment adviser registration (House, No. 303) be scheduled for consideration by the House.

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

Physician credentialing process.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill to streamline the physician credentialing process (House, No. 978, changed) be scheduled for consideration by the House.

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

Colleen Robichaud,— sick leave.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill establishing a sick leave bank for Colleen Robichaud, an employee of the Registry of Motor Vehicles (House, No. 4777) be scheduled for consideration by the House.

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

Nonprofit organizations,— retirement.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill provide retirement options for nonprofit organizations (House, No. 78) be scheduled for consideration by the House, with the amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a Bill to provide retirement options for nonprofit organizations (House, No. 4907),— pending.

Under suspension of Rule 7A, on motion of Mr. Rodrigues of Westport, 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.

Wine,— auction sales.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the sale of wine at auction (House, No. 397) be scheduled for consideration by the House, with 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. 4908),— pending.

Under suspension of Rule 7A, on motion of Mr. Rodrigues of Westport, 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.

Workers' compensation audits.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill to provide incentives for productive workers compensation audits (House, No. 1846, changed) be scheduled for consideration by the House, with 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. 4909),— pending.

Under suspension of Rule 7A, on motion of Mr. Kane of Holyoke, 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.

Youth alcohol education.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the youth alcohol education program to reduce underage drinking and promote healthy choices (House, No. 1925, changed) be scheduled for consideration by the House with the amendments previously recommended by the committee on Health Care Financing,— that the bill be amended in line 1 by striking out the figures "2004" and inserting in place thereof the figures "2008", and in line 13 by striking out the words "established and administered" and inserting in place thereof the word "certified",— pending.

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

The amendments recommended by the committee on Health Care Financing then were adopted; and the bill (House, No. 1925, changed and amended) was ordered to a third reading.

Vital records and identity.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the security of vital records and verification and identity (House, No. 2064) be scheduled for consideration by the House, with 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. 4910),— pending.

Under suspension of Rule 7A, on motion of Mrs. Harkins of Needham, 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.

East Bridgewater,— tax titles.

A report of the committee on Municipalities and Regional Government, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 4678) of Allen J. McCarthy and Thomas P. Kennedy (by vote of the town) for legislation to further regulate tax titles in the town of East Bridgewater, was considered forthwith, under suspension of the rules, on motion of Mr. McCarthy of East Bridgewater.

Pending the question on acceptance of the report, the petition was recommitted, on motion of Mr. Donato of Medford.

Veterans,— insurance premiums.

A 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. 3405) of James E. Vallee relative to certain insurance premiums for veterans, was considered forthwith, under suspension of the rules, on motion of Mr. Vallee of Franklin.

Pending the question on acceptance of the report, the petition was recommitted, on motion of Mr. Naughton of Clinton.

Debt management.

By Mr. Koutoujian of Waltham, for the committee on Financial Services, on House, No. 887, a Bill relative to the Division of Banks' licensing and supervision of debt management services (House, No. 4913).

Medicaid access.

By Ms. Stanley of West Newbury, for the committee on Health Care Financing, on House, No. 1104, a Bill improving access to coverage for Medicaid beneficiaries (House, No. 4911) [Fiscal Note: Greater than $100,000.00].

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

North Adams,—reserve funds.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill authorizing the city of North Adams to use reserve funds to reduce debt (House, No. 4851) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Safety zones.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, that the Bill authorizing the establishment of senior citizen safety zones (House, No. 543) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Podiatrists,—registration.

By Ms. Stanley of West Newbury, for the committee on Health Care Financing, that the Bill relative to the registration of podiatrists (House, No. 2044) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4912). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Health insurance.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill to promote cost containment, transparency and efficiency in the provision of quality health insurance for individuals and small businesses (Senate No. 2447) 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 4915.

Family child care providers.

By the same member, for the same committee, that the Bill relating to improving quality in early education and care by family child care providers (House, No. 494) ought to pass with an amendment substituting a bill with the same title (House, No. 4917).

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

Silver alert.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill to create a silver alert program to protect seniors (House, No. 4344) ought to pass with an amendment substituting a Bill to create a silver alert community response system (House, No. 4916). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

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

Under suspension of Rule 7A, on motion of Ms. Wolf of Cambridge, 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 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.

After debate on the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Ms. Wolf; and on the roll call 153 members voted in the affirmative and 0 in the negative.

Bill passed to be engrossed,—yea and nay No. 451.

[See Yea and Nay No. 451 in Supplement.]

Therefore the bill (House, No. 4916) was passed to be engrossed. Sent to the Senate for concurrence.

Emergency Measures.

The engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey certain land in the town of Agawam (House, No. 4289, 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.

Agawam,—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 46 to 0. Sent to the Senate for concurrence.

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

Bill enacted.

The engrossed Bill to conduct a study of chemicals infiltrating aquifers and bedrock fissures along the interstate 95 corridor (see House, No. 4838, 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.

Interstate 95 corridor,—aquifers.

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 29 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) (which had been returned by His Excellency the Governor with recommendation of amendment), was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Bill re-enacted.

Engrossed Bills.

Engrossed bills

Relative to William J. Higgins, an employee of the town of Nantucket (see House, No. 1125);

Bills enacted.

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

Designating a certain bridge in the town of Billerica as the John F. Leary Bridge (see House, No. 3232, amended);

Bills enacted.

Relative to determining the number of town meeting members in each precinct in the town of Shrewsbury (see House, No. 4305);

Relative to nurse anesthetists (see House, No. 4593); and

Protecting nursing home residents (see House, No. 4637);

(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 it were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Third reading bills.

Senate bills

Authorizing certain developments in the Fort Point Channel in the city of Boston (Senate, No. 2376, amended); and

Authorizing governmental bodies to enter into contracts for the inspection, maintenance and repair or modification of water storage facilities (Senate, No. 2449, amended);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and passed to be engrossed, in concurrence. Severally sent to the Senate for concurrence in the amendments previously adopted by the House.

Id.

Senate bills

Relative to the interest rate to be charged on certain betterment assessments in the town of Wareham (Senate, No. 2140); and

Relative to the interest rate to be charged upon apportioned betterment assessments in the town of Wareham (Senate, No. 2141);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and passed to be engrossed, in concurrence.

Id.

House bills

Authorizing the town of Danvers to grant an additional license for the sale of wines and malt beverages (House, No. 4817) (its title having been changed by the committee on Bills in the Third Reading); and

Providing for an easement for affordable senior apartments in the town of Harvard (House, No. 4850) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and passed to be engrossed. Severally sent to the Senate for concurrence.

Prescription monitoring program.

The House Bill relative to the enhancement of the prescription monitoring program (House, No. 4478) was read a second time.

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. 4770),— was rejected.

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. 4879),— then was adopted; and the substituted bill was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Sánchez of Boston, the bill (having been reported by the commit-

tee on Bills in the Third Reading to be correctly drawn) was read a third time, its title having been changed by said committee to read: "An Act adding safeguards to the prescription monitoring program.".

After debate on the question on passing the bill to be engrossed, Mr. Walsh of Lynn moved to amend it by adding the following section:

"SECTION 6. Section 12A of Chapter 112 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by adding at the end thereof the following:—

In cases of examination or treatment of a person with injuries resulting from opiate, illegal, or illicit drug overdose, a hospital, community health center or clinic shall report such de-identified, aggregate information in such a manner to be determined in conjunction with the Department of Public Health.".

The amendment was adopted.

Mr. Walsh of Lynn and other members of the House then moved to amend the bill by adding the following section:

"SECTION 7. (a) There is hereby established a commission to investigate and determine a best practices model for the implementation of an official Massachusetts tamper proof prescription form. The form shall be serialized and tamper resistant. For the purposes of this section, tamper-resistant is defined as having one or more of the following industry-recognized features designed to prevent: (i) unauthorized copying of a completed or blank prescription form; (ii) the erasure or modification of information written on the prescription by the prescriber; and (iii) the use of counterfeit prescription forms.

(b) The Commission shall consist of 3 members of the House of Representatives:— 2 appointed by the Speaker of the House of Representatives and 1 by the House Minority Leader, 3 members appointed by the Senate:— 2 appointed by the Senate president, and 1 by the Senate Minority Leader, 1 representative from the Office of Administration and Finance, the Commissioner of Mental Health or their designee, the Commissioner of Public Health Drug Control Program or their designee, the Director of the Prescription Monitoring Program or their designee, and 3 members of the medical and substance abuse treatment community with specialty experience in drug regulation, prescription, treatment and abuse.

(c) The commission shall investigate but not be limited to where to purchase the serialized and tamper resistant forms, the cost of the forms, the cost of integrating the forms to the Commonwealth's Prescription Monitoring Program, physician and pharmacist training, and the implementation of a state-wide e-prescribing system. Said commission shall submit a report of its findings, including legislative recommendations, if any, to the Joint Committee on Health Care Financing and the House and Senate committees on Ways and Means by April 15, 2011.".

After remarks the amendment was adopted.

Bill passed to be engrossed,— yea and nay No. 452.

There being no objection, on the question on passing the bill, as amended, to be engrossed, the sense of the House was take by yeas and nays at the request of Mr. Sánchez of Boston; and on the roll call 153 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 452 in Supplement.]

Therefore the bill (House, No. 4879, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

Recess.

At twenty-eight minutes before five o'clock P.M. (Wednesday, July 21), on motion of Mr. Koutoujian of Waltham (Mr. Petrolati of Ludlow being in the Chair), the House recessed until the following day at twelve o'clock noon; and at that time the House was called to order with Mr. Donato of Medford in the Chair.

Thursday, July 22, 2010 (at 12:00 o'clock noon).

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

Prayer.

Gracious God, our Help in ages past and our Hope for years to come, we begin today's legislative session with a prayer in which we turn our attention to You and to spiritual thoughts and values. We believe that Your ways and teachings show us how to live a happy, productive and meaningful life. You are also our source of strength and hope as we struggle to cope with the many challenges which we face daily as elected representatives of the people in these changing times. With Your assistance, may our thoughts be clarified and our purpose strengthened as we struggle to address the items on today's calendar. Inspire us to work together in these uneasy times so that our communities will prosper, be safe, peaceful and beneficial for future generations.

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.

Appointment by the Minority Leader.

Biomedical Research Advisory Council.

The Minority Leader announced that he had appointed Dr. Vito R. S. Cardone, a member of the public from the town of Lynnfield, to the Biomedical Research Advisory Council established (under Section 9 of Chapter 111L of the General Laws, as enacted by Section 1 of Chapter 27 of the Acts of 2005) to report annually on the provisions of said law including an update on the current state of pre-implantation embryo research relating to human embryonic stem cell research in the Commonwealth.

Petitions.

Pembroke,— warrants.

Mr. Webster of Pembroke presented a petition (accompanied by bill, House, No. 4918) of Daniel K. Webster (by vote of the town) for legislation to authorize the town administrator of the town of Pembroke to approve all warrants for the expenditure of funds made by said town; and the same was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Mr. Petrolati of Ludlow being in the Chair,—

Christopher Lemoing,— sick leave bank.

Representatives Canavan of Brockton and Brady of Brockton presented a petition (subject to Joint Rule 12) of Christine E. Canavan, Thomas P. Kennedy and Michael Brady for legislation to establish a sick leave bank for Christopher Lemoing, an employee of the sheriff's

department of Plymouth County; and the same was referred, under Rule 24, to the committee on Rules.

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

Private property,—leasing.

Mr. Alicea of Charlton (by request) presented a petition (subject to Joint Rule 12) of Peter Durant for legislation to further regulate the leasing of private property for the location of agencies and departments of the Commonwealth; and the same was referred, under Rule 24, to the committee on Rules.

Papers from the Senate.

Ashland,—property tax exemption.

The House Bill relative to property tax exemptions in the town of Ashland (House, No. 1904, changed) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out section 1 and inserting in place thereof the following section:

"SECTION 1. Notwithstanding clause Forty-first C½ of section 5 of chapter 59 of the General Laws or any other general or special law, or rule or regulation to the contrary, the town of Ashland may determine eligibility for the real estate tax exemption under said clause Forty-first C ½ of said section 5 of said chapter 59 based on the gross receipts of the taxpayer from all sources or, if the taxpayer is married, combined gross receipts.".

Under suspension of Rule 35, on motion of Mr. Sannicandro of Ashland, 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.

Auto insurance,—exemptions.

The House Bill relative to certain exemption Massachusetts automobile insurance plans (House, No. 4476, amended) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 2, in line 24, inserting after the word "producers" the following ", 2 of whom shall be producers who are assigned risk producers who write private passenger automobile insurance exclusively through the Massachusetts automobile assigned risk plan pursuant to the provisions of the plan approved under this section.".

Under suspension of Rule 35, on motion of Mr. Mariano of Quincy, 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.

Petitions severally were referred, in concurrence, under suspension of Joint Rule 7B, as follows:

Worcester,—dumping violations.

Petition (accompanied by bill, Senate, No. 2526) of Michael O. Moore, Harriette L. Chandler and John J. Binienda (with the approval of the mayor and city council) for legislation relative to the enforcement of illegal dumping violations in the city of Worcester. To the committee on the Judiciary.

Worcester,— tax bill information.

Petition (accompanied by bill, Senate, No. 2527) of Michael O. Moore and Harriette L. Chandler (with the approval of the mayor and city council) for legislation to provide for the placement of certain abatement information on the property tax bill. To the committee on to the committee on Revenue.

Sgt. Douglas Weddleton,— bridge.

A petition of Scott P. Brown for legislation to designate a certain bridge in the town of Mansfield as the Sergeant Douglas Weddleton Memorial Bridge, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Transportation.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2528) was referred, in concurrence, to the committee on Transportation.

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 following petitions:

Donald Johnson,— sick leave.

Petition (accompanied by bill) of Brian P. Wallace that the Department of Revenue be authorized to establish a sick leave bank for Donald F. Johnson, an employee of said department; and

Matthew Normandeau,— sick leave.

Petition (accompanied by bill) of William M. Straus relative to establishing a sick leave bank for Matthew Normandeau, an employee of the Bristol County Sheriff's Office.

Severally to the committee on Public Service.

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

Family child care providers.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill relating to improving quality in early education and care by family child care providers (House, No. 494, changed) be scheduled for consideration by the House, with 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. 4917),— pending.

Under suspension of Rule 7A, on motion of Mr. Scaccia of Boston, 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 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, its title having been changed by said committee to read: "An Act relative to early education and care by family child care providers.". The bill (House, No. 4917) then was sent to the Senate for concurrence.

Servicemen,— insurance.

By Mr. Naughton of Clinton, for the committee on Veterans and Federal Affairs, on a petition, a Bill further amending the Welcome Home Bill (House, No. 3405). Read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill further regulating tax titles in the town of East Bridgewater (House, No. 4678) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

East Bridgewater,— tax titles.

Engrossed Bills.

Engrossed bills

Relative to the interest rate to be charged on certain betterment assessments in the town of Wareham (see Senate, No. 2140);

Relative to interest rates to be charged upon apportioned betterment assessments in the town of Wareham (see Senate, No. 2141); and

To regulate the use of off highway and recreation vehicles (see Senate, No. 2257, amended).

(Which severally originated in the Senate); and

Relative to the preparation of certain ballots in the city of Boston (House, No. 4880, amended) (which 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.

Bills enacted.

The engrossed Bill relative to school nutrition (see House, No. 4459) (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.

After debate, the bill was passed to be enacted; and it was signed by the acting Speaker and Senate to the Senate.

Bill enacted.

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the town of Manchester-by-the-Sea to grant an easement over certain land acquired for water supply purposes (see House, No. 4304, 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.

Manchester-by-the-Sea.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 150 members voted in the affirmative and 0 in the negative.

Bill enacted (land taking),— yea and nay No. 453.

[See Yea and Nay No. 453 in Supplement.]

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

Orders of the Day.

The report of the committee of conference on the disagreeing votes of the two branches with reference to the House amendment of the Senate Bill relative to kayaks (Senate, No. 974) recommending passage of a Bill relative to kayak safety (Senate, No. 2518) was accepted, in concurrence.

Kayak safety.

House bills

Third reading bills.

Providing equity for school principals (House, No. 371, changed) (its title having been changed by the committee on Bills in the Third Reading);

Relative to health insurance and other benefits in the town of Phillipston (House, No. 4196) (its title having been changed by the committee on Bills in the Third Reading);

Establishing the Caleb Chase gift account for the town of Harwich (House, No. 4587) (its title having been changed by the committee on Bills in the Third Reading);

Authorizing the town of Westford to lease a certain parcel of land for camp purposes (House, No. 4662) (its title having been changed by the committee on Bills in the Third Reading);

Relative to disabled firefighters (House, No. 4463) (its title having been changed by the committee on Bills in the Third Reading); and

Authorizing the city of Gardner to convey certain land under the control of the Gardner Conservation Commission (House, No. 4679) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Third reading bill amended.

The House Bill relative to special license plates for certain military personnel (House, No. 4588) was read a third time.

The committee on Bills in Third Reading reported recommending that the bill be amended by substitution of a bill with the same title (House, No. 4923); and the report was accepted.

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

Second reading bill.

The House Bill relative to inhalant abuse (House, No. 4254) was read a second time; and it was ordered to a third reading.

"Retardation",— delete from General Laws.

The House Bill eliminating the word "retardation" from the General Laws (House, No. 176), reported by the committee on Bills in the Third Reading to be correctly drawn, 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. Pedone of Worcester moved to amend it by substitution of a bill with the same title (House, No. 4922), which was read.

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

Winthrop,— easements.

The House Bill authorizing the town of Winthrop and the Winthrop Housing Authority to grant certain easements for underground electric and intelligence transmission and distribution cables (House, No. 4766), 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 striking out sections 4 and 5 and inserting in place thereof the following three sections:

"SECTION 4. The land described in section 1 is subject to a restriction under the 'Declaration of Covenant' entered into between the town of Winthrop and the United States Department of Education dated May 21, 1999 and recorded in the Suffolk county registry of deeds in book 23931, page 172 and the grant of the easement by the town of Winthrop pursuant to said section 1 is not authorized under said Declaration of Covenant and shall be subject to advance written approval by the United States Department of Education.

SECTION 5. The town of Winthrop and the Winthrop Housing Authority shall execute, acknowledge, and deliver to the United States Department of Education, or its successor in function, and the Massachusetts Electric Company, its successors and assigns, such further deeds or instruments or other documents as may be necessary for the purposes set forth in this act.

SECTION 6. This act shall take effect upon its passage.".

The amendment was adopted; and the bill (House, No. 4766, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Sharon Baert,— sick leave bank.

The Senate Bill establishing a sick leave bank for Sharon Baert, an employee of the Department of Developmental Services (Senate, No. 2466, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time, under suspension of the rules, on motion of Ms. Ferrante of Gloucester; and it was passed to be engrossed, in concurrence.

Colleen Robichaud,— sick leave.

The House Bill establishing a sick leave bank for Colleen Robichaud, an employee of the Registry of Motor Vehicles (House, No. 4777), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time, under suspension of the rules, on motion of Mr. Rodrigues of Westport; and it was passed to be engrossed. Sent to the Senate for concurrence.

Reports of Committees.

Health insurance.

By Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Senate Bill to promote cost containment, transparency and efficiency in the provision of quality health insurance for individuals and small businesses (Senate No. 2447) be scheduled for consideration by the House, with the amendment previously recommended by the committee on Ways and Means,— that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4915,— pending.

Under suspension of Rule 7A, on motion of Mr. Mariano of Quincy, 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. 2447, amended) was ordered to a third reading.

Health insurance.

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.

After remarks on the question on passing the bill, as amended, to be engrossed, in concurrence, Mr. Tobin of Quincy moved to amend it by adding the following two sections:—

"SECTION 67. Section 9(b) of chapter 94C of the General Laws is hereby amended in the third paragraph by inserting at the end thereof the following:—

This section shall not be construed to prohibit a physician or an optometrist from the in-office dispensing and sale of therapeutic contact lenses as long as the medication contained in such lenses is within the profession's designated scope of practice.

'Therapeutic contact lenses' means contact lenses which contain one or more medications and which deliver such medication to the eye.

SECTION 67A. Section 66b of Chapter 112 of the General Laws is hereby amended after the third paragraph by inserting the following:—

This section shall not be construed to prohibit an optometrist from the in-office dispensing and sale of therapeutic contact lenses as long as the medication contained in such lenses is within the profession's designated scope of practice.

'Therapeutic contact lenses' means contact lenses which contain one or more medications and which deliver such medication to the eye.".

The amendment was adopted.

Mr. Spellane of Worcester then moved to amend the bill by adding the following section:

"SECTION 68. Section 2 of Chapter 32A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding at the end thereof the following new definition:—

'Wellness program', is a program designed to measure and improve individual health by identifying risk factors, principally through diagnostic testing, and establishing plans to meet specific health goals which include appropriate preventive measures. Risk factors may include but not be limited to demographics, family history, behaviors and measured biometrics.

Said Chapter 32A is hereby further amended by adding at the end thereof the following new section:—

The commission shall negotiate with and purchase, on such terms as it deems to be in the best interest of the commonwealth and its employees, from one or more entities that can manage a wellness program covering persons in the service of the commonwealth and their dependents, and shall execute all agreements or contracts pertaining to said program. Said commission may negotiate a contract for such term not exceeding five years as it may, in its discretion, deem to be the most advantageous to the commonwealth; provided, however that said program must be able to evaluate individual and aggregate data, give employees access to their individual information confidentially, and allow the commission to receive collective reports summarizing baseline and ongoing data regarding the behavior and well being of enrollees. The commission may reduce premiums or co-payments or offer other incentives to encourage enrollees to comply with the wellness program goals.

A report of the collective results, including but not limited to the level of participation among employees, incentives provided for participation, the number and type of screenings and diagnostic tests conducted, the instance of undiagnosed risks defined as out of range diagnostic tests, and number of employees seeking and receiving preventative treatment shall be submitted annually to the governor, the secretary of the executive office of health and human services, the secretary for administration and finance, the chairmen of the joint committees on health care financing, house and senate committees on ways and means, the speaker of the house, and the senate president. The commission shall use this information in the negotiating and purchasing, on such terms as it deems in the best interest of the commonwealth and its employees, from one or more insurance companies, savings banks or non-profit hospital or medical service corporations, a policy or policies of group life and accidental death and dismemberment insurance covering persons in the service of the commonwealth, and group general or blanket insurance providing hospital, surgical, medical, dental and other health insurance benefits covering persons in the service of the commonwealth and their dependents. The commission shall also report annually to the governor, secretary for administration and finance, the chairmen of the joint committees on health care financing, house and senate committees on ways and means, the speaker of the house, and the senate president on the savings that have been achieved in procuring such insurance policies since implementing the wellness program.".

The amendment was adopted.

Mr. Rodrigues of Westport then moved to amend the bill adding the following section:

"SECTION 69. The General Laws are hereby amended by inserting after chapter 175K the following chapter:—

CHAPTER 175L.
Regulation of Pharmacy Audits.

Section 1. Definitions.

For purposes of this chapter the following terms shall have the following meanings:

'Pharmacy Benefits Manager' any person or entity that administers the prescription drug, prescription device, pharmacist services or prescription drug and device and pharmacist services portion of a health benefit plan on behalf of plan sponsors such as self-insured employers, insurance companies, and labor unions. A health benefit plan that does not contract with a pharmacy benefit manager shall be considered a pharmacy benefit manager for the purposes of this chapter unless specifically exempted. The provisions of this chapter shall not apply to a public health care payer as defined in section 1 of chapter 118G.

'Commissioner', the commissioner of insurance or his designee.

Section 2. Certification of Pharmacy Benefits Managers.

(a) Except as provided in subsection (d) of this section, no person shall act as a pharmacy benefits manager without first obtaining a certificate of registration from the commissioner. (b) Any person seeking a certificate of registration shall apply to the commissioner, in writing, on a form provided by the commissioner. The application form shall

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state (1) the name, address, official position and professional qualifications of each individual responsible for the conduct of the affairs of the pharmacy benefits manager, including all members of the board of directors, board of trustees, executive committee, other governing board or committee, the principal officers in the case of a corporation, the partners or members in the case of a partnership or association and any other person who exercises control or influence over the affairs of the pharmacy benefits manager, and (2) the name and address of the applicant's agent for service of process in the Commonwealth. (c) Each application for a certificate of registration shall be accompanied by a nonrefundable fee set by the Commissioner of no less than five hundred dollars. (d) A health benefit plan that does not contract with a pharmacy benefit manager shall not be required to obtain a certificate of registration. Such health benefit plan shall notify the commissioner annually, in writing that it is affiliated with or operating a business as a pharmacy benefits manager. (e) Any person acting as a pharmacy benefits manager on January 1, 2011, and required to obtain a certificate of registration under subsection (a) of this section, shall obtain a certificate of registration from the commissioner not later than April 1, 2011.

Section 3. Audit Scope and Procedures.

(a) Notwithstanding any general or special law to the contrary, an audit of the records of a pharmacy conducted by a pharmacy benefit manager shall follow these procedures:

(1) The contract between a pharmacy and a pharmacy benefit manager shall identify and describe in detail the audit procedures;

(2) The auditor shall give the pharmacy written notice at least one week prior to conducting the initial on-site audit for each audit cycle;

(3) The auditor shall not interfere with the delivery of pharmacist services to a patient and shall make reasonable effort to minimize inconvenience and disruption to pharmacy operations during the audit process;

(4) Any audit which involves clinical or professional judgment shall be conducted by or in consultation with a licensed pharmacist from any state;

(5) A pharmacy may use the records of a hospital, physician, or other authorized prescriber to validate the record with respect to orders or refills of prescription drugs or devices;

(6) A finding of an overpayment or underpayment shall be based on the actual overpayment or underpayment. A projection for overpayment or underpayment may be used to determine recoupment as part of a settlement as agreed to by the pharmacy.;

(10) Each pharmacy shall be audited under the same standards and parameters as other similarly situated pharmacies audited by the entity;

(12) An audit may not be initiated or scheduled during the first five calendar days of any month due to the high volume of prescriptions filled in the pharmacy during that time unless otherwise consented to by the pharmacy;

(b) The auditor shall provide the pharmacy with a written report of the audit.

(10) The audit report shall be signed and shall include the signature of any pharmacist participating in the audit.

(11) A pharmacy benefit manager shall not withhold payment to a pharmacy for reimbursement claims as a means to recoup money owed to the pharmacy benefit manager by said pharmacy as a result of an audit unless an identified discrepancy for a preliminary audit exceeds $25,000.

(12) The auditor shall provide a copy of the final audit report, after completion of any review process, to the plan sponsor.

Section 4. Appeal Process.

(a) Each auditor shall establish an appeals process under which a pharmacy may appeal an unfavorable preliminary audit report to the entity.

(b) The National Council for Prescription Drug Programs ("NCPDP") or any other recognized national industry standard shall be used to evaluate claims submission and product size disputes.

(c) If, following the appeal, the auditor finds that an unfavorable audit report or any portion thereof is unsubstantiated, the entity shall dismiss the audit report or said portion without the necessity of any further action.

Section 5. The provisions of this chapter shall not apply to any audit or investigation that involves potential fraud, willful misrepresentation, or abuse, including, but not limited to, investigative audits or any other statutory or regulatory provision that authorizes investigations relating to insurance fraud.

Section 6. The commissioner may promulgate regulations to enforce the provisions of this chapter including, but not limited to, oversight of the following audit practices:

(a) The number of days by which a preliminary audit report shall be delivered to the pharmacy after conclusion of the audit.

(b) The number of days by which a pharmacy shall be allowed to address any discrepancy found during the preliminary audit;

(c) The number of days by which a final audit report shall be delivered to the pharmacy after receipt of the preliminary audit report or final appeal, as provided for in section 4, whichever is later;

(d) The means by which a pharmacy benefit manager may request information from a pharmacy.

Section 7. The audit criteria set forth in this chapter shall apply only to audits of claims for services provided and claims submitted for payment after April 1, 2011.".

After remarks the amendment was rejected.

Mr. Kujawski of Webster then moved to amend the bill in section 58 (as printed), in line 945, by striking out the following "27 to 29, inclusive" and inserting in place thereof the figures ", 27, 28"; and in section 61 (as printed), in line 949, by inserting after the figures "26" the figures ", 29". The amendments were adopted.

Ms. Grant of Beverly then moved to amend the bill section 2, in line 38, by inserting after the word "commonwealth." the following sentence "As of January 1, 2011, the membership of the Health Care Quality and Cost Council must be comprised of members where no less than one-third shall be a mixture of nurse practitioners and physi-

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cians who are or have been active clinical providers of health care to patients.”.

After remarks the amendment was rejected.

Mr. Scibak of South Hadley then moved to amend the bill by adding the following two sections:

“SECTION 69. The first sentence of subsection (b) of said section 2 of said chapter 111M of the General Laws is hereby amended by striking out clauses (ii) and (iii) and inserting in place thereof the following clauses:— (ii) claims an exemption under section 3, (iii) had a certificate issued under section 3 of chapter 176Q, or (iv) had adjusted gross income as shown on the individual’s state tax return such that the amount required to purchase the lowest cost insurance on the market for which an individual would be eligible for creditable coverage, taking into consideration the out of pocket costs, as shown in the schedule created pursuant to subsection (p) of section 3 of chapter 176Q, exceeds the amount which an individual could be expected to contribute towards the purchase of insurance in the report published pursuant to subsection (q) of section 3 of chapter 176Q.

SECTION 70. Said section 2 of chapter 111M of the General Laws, as so appearing, is hereby further amended by inserting after subsection (c) the following subsections:—

(d) The affordability schedule set by the board of the connector pursuant to subsection (a) shall be subject to the following requirements:

(1) in determining whether creditable coverage is affordable, the board of the connector shall consider expected enrollee expenditures as the 90th percentile of out of pocket costs plus premiums for those enrolled in creditable coverage;

(2) For the purposes of this section, ‘out-of-pocket costs’ shall mean the amount paid by an enrollee to satisfy the applicable annual deductible, co-payments and co-insurance, not including monthly premiums.”.

The amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting after section 57 (as published), the following section:

“SECTION 60A. There shall be a special commission to be referred to as the MassHealth Cost Control Commission to investigate the use of co-payments for MassHealth members with the goal of encouraging the most cost effective use of health care resources. The investigation shall include, but not be limited to, the study of savings that would result from charging a small co-payment for the use of emergency care in non-emergency situations, in order to discourage the inappropriate use of health care resources. The inappropriate use of health care resources may be defined as any instance in which an individual seeks care in an emergency room department but whose medical needs do not warrant in-patient medical care.

The commission shall investigate possible cost-savings for the MassHealth program and any positive and negative deterrent effects a co-payment will have on MassHealth members, in encouraging members to use primary care rather than emergency care in non-emergency situations.

The MassHealth Cost Control Commission shall consist of 9 members: 1 member who shall be a representative of a major hospital within the commonwealth, appointed by the Governor; 1 member who shall be an advocate for MassHealth members, appointed by the director of Medicaid; 1 member who shall be an expert in national health care policy, appointed by the Governor; 1 member who shall be a representative of MassHealth, appointed by the director of Medicaid; 1 member who shall be a taxpayer's advocate, appointed by the Governor; 1 member of the senate, appointed by the senate president; 1 member, appointed by the senate minority leader; 1 member of the house of representatives, appointed by the speaker of the house; and 1 member, appointed by the house minority leader.

The Commission shall submit its report and findings, along with any draft of legislation, to the house and senate committees on ways and means, the joint committee on health care financing, and the clerks of the house of representatives and the senate within 90 days of the passage of this act.".

The amendment was adopted.

Mr. Murphy of Burlington being in the Chair,—

Mr. Jones of North Reading and other members of the House then moved to amend the bill in section 55 (as changed by the committee on Bills in the Third Reading), in line 885, by inserting after the word "president" the following "; 1 person appointed by the minority leader of the house of representatives; 1 person appointed by the minority leader of the senate".

The amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting after section 13 (as printed) the following section:

"SECTION 16A. Section 188 of chapter 149 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting in line 14 after the word 'individual', the following:— ,who is a resident of the Commonwealth of Massachusetts.".

The amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by striking out section 19; and the amendment was rejected.

Mr. Basile of Boston then moved to amend the bill in section 16 (as printed), in line 228, by inserting after the word "to" the words "any discount or free product vouchers that a retail pharmacy provides to a consumer in connection with a pharmacy service or prescription transfer offer, or to". The amendment was adopted.

Mr. Cabral of New Bedford then moved to amend the bill in section 12 (as printed), in lines 181 and 197, by inserting after the word "group", in each instance, the words ", provider group"; and in section 45, in line 724, by inserting after the word "groups," the following: "provider groups or", and in lines 732 and 733, by inserting after the words "groups", in each instance, the words "and provider groups". The amendments were adopted.

Mr. Cabral of New Bedford then moved to amend the bill in section 49, in line 795, by inserting after the words "Plans, Inc." (as

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changed by the committee on Bills in the Third Reading) the following: “, a representative of an association of health care providers licensed under chapter 112 who is not a medical doctor”; and in section 55, in line 888 by inserting after the word “hospitals” the following “; 1 person designated by the Massachusetts Public Health Association”. The amendments were adopted.

Mr. Webster of Hanson and other members of the House then moved to amend the bill by inserting after section 39 the following section:

“SECTION 39A. Section 3 of Chapter 176Q of the General Laws, as so appearing, is hereby amended by inserting after subsection (t) the following paragraph:—

Nothing in this section shall be construed as to authorize the Connector to actively solicit potential participants in their health insurance plans if such participants already have coverage for such plans from private companies.”.

The amendment was adopted.

Mr. Peterson of Grafton and other members of the House then moved to amend the bill by inserting after section 16A (inserted by amendment) the following two sections:

“SECTION 16B. Section 188 of chapter 149 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in line 19, the word ‘equivalent’.

SECTION 16C. Subsection (b) of section 188 of chapter 149 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by adding the following sentence:— Any employee who has health care coverage via a qualifying health insurance plan from a spouse, parent, veteran’s plan, Medicare, Medicaid or a plan or plans due to the disability or retirement shall not be included in the calculation for the fair share employer contribution.”.

The amendment was adopted.

Messrs. Donato of Medford and Golden of Lowell then moved to amend the bill in section 36, in line 624, by inserting after the word “approval;” the following: “or (v) allows the carrier to uniformly categorize providers of a type of licensure under chapter 112 of the General Laws in the same tier of a tiered network plan”. The amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by striking out section 57 (as printed) and inserting in place thereof the following section:

“SECTION 60. It shall be the policy of the general court to impose a moratorium on all new mandated health benefit legislation until December 31, 2014. This moratorium shall not apply to any proposed mandated benefit that has been enacted by the general court prior to December 31, 2011; except when it is shown that the mandate will reduce the cost, as determined by the division of health care finance and policy.”.

The amendment was adopted.

Ms. Peisch of Wellesley then moved to amend the bill by adding the following section:

“SECTION 69. Individuals shall have the option to opt out of the prescription drug coverage requirement included as part of the mini-

mum creditable coverage for health insurance through the commonwealth health insurance connector if the individual can demonstrate his or her financial ability to pay for prescriptions drugs by establishing an escrow account with a minimum value of $5,000.”.

The amendment was adopted.

Mrs. Canavan of Brockton and other members of the House then moved to amend the bill in section 28, in line 417, and also in section 43, in line 681, by inserting after the word “management”, in each instance, the words “, care management”; and in section 44, in line 707, and also in section 45, in line 730, by inserting after the words “pay-for-performance”, in each instance, the words “, care management payments”. The amendments were adopted.

Mr. Costello of Newburyport then moved to amend the bill by inserting after section 46 the following section:

“SECTION 46A. Notwithstanding the provisions of any general or special law to the contrary, the Division of Medical Assistance shall promulgate regulations on or before January 1, 2011 that are designed to conform the ordering of treatment related urine drug screens with both Chapter 160 of the Acts of 2006 governing independent clinical laboratory services and the Department of Public Health regulations at 105 CMR 164 et. seq. governing the provisions of substance abuse treatment services, by revising its definition of ‘authorized prescriber’ at 130 CMR 401.402 to separately include, for the purpose of ordering treatment related random urine drug screens, substance abuse treatment programs that are licensed by the Department of Public Health’s Bureau of Substance Abuse Services.”.

The amendment was adopted.

Ms. Wolf of Cambridge then moved to amend the bill by adding the following section:

“SECTION 70. Notwithstanding any general or special law to the contrary, the secretary of the executive office of health and human services, in coordination with the commissioner of the division of health care finance and policy, is authorized to pursue federal Medicaid global payment and accountable care organization opportunities, including the Medicaid Global Payment System Demonstration under Section 2705 of the Patient Protection and Affordable Care Act and other similar opportunities, with 1 or more hospitals or hospital systems in the commonwealth. The secretary shall report to the house and senate committees on ways and means and the joint committee on health care financing 30 days prior to implementing said demonstration project.”.

The amendment was adopted.

Mr. Falzone of Saugus and other members of the House then moved to amend the bill by adding the following section:

“SECTION 71. Notwithstanding any other general or special law to the contrary, the secretary of administration and finance, in consultation with the secretary of the executive office of elder affairs, the commissioner of the divisional of medical assistance, the commissioner of the department of public health and the executive director of the group insurance commission, shall, within 60 days of the passage of this act, develop a program to aggregate the purchase of prescription drugs for individuals and small businesses eligible and covered by small group

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health insurance, as defined in Chapter 176J of the general laws, hereinafter, the "Coverage Group". In order to ensure the timely performance of his obligations under this act, the secretary of administration and finance may enter into an agreement with a not-for-profit entity for the purpose of developing and managing said program.

As part of said program, the secretary of administration and finance or his designee, shall prepare a request for proposals for the purpose of selecting one or more entities to provide prescription drug benefit management services to members of the Coverage Group. The selection process shall include criteria designed to select that entity best able to provide a prescription drug benefit program for the Coverage Group in a way that maximizes savings for the commonwealth and participants without reducing the quality of prescription drug benefits, if any, now being provided to the Coverage Group.

Prior to finally accepting a proposal to provide said prescription drug benefit management services, the secretary, in conjunction with the house and senate chairs of the joint committee on health care, the chair of the senate committee on ways and means and the chair of the house committee on ways and means, shall conduct a public hearing to consider testimony on the public benefits of all proposals submitted. The secretary and said chairs shall take oral and written testimony at the hearing. After the hearing, the secretary shall solicit from said chairs their input regarding the selection of one of the proposals. The secretary shall select a proposal, if any, only after making a determination in writing that it maximizes savings to the commonwealth, or provides other substantial public benefits, in a way that does not reduce the quality of existing prescription drug services for the Coverage Group. At least 30 days before the secretary's selection becomes final, he shall submit a report containing his selection, along with the basis therefor, to the house and senate chairs of the joint committee on health care, the chair of the senate committee on ways and means and the chair of the house committee on ways and means.

The accepted proposal shall not terminate any contract currently in existence with any agency or program affected hereunder which cannot be favorably renegotiated.".

The amendment was adopted.

Mr. Kocot of Northampton then moved to amend the bill in section 34, in lines 545 to 548, inclusive, 545, by striking out the paragraph in those line and inserting in place thereof the following paragraph:

"(1) A carrier with a contract for payment between the carrier and a health care provider containing a rate, adjusted for volume and acuity, greater than or equal to 10 per cent above the carrier's statewide adjusted average in the previous year beginning October 1 through September 30 shall not increase rates to be paid under that contract beyond the prior year's existing rate; provided, however, that this provision shall not apply to a contract between a carrier and a health care provider where the health care provider is located in a metropolitan statistical area (referred to herein as a MSA) in which the total health care cost per person per year for all health care providers' services provided to persons who are residents of such MSA and who are enrolled in all of such carrier's health benefit plans is no greater than 10 per cent above the average of the total health care cost per person per year

per MSA for all health care providers' services provided to persons who are residents of the commonwealth and who are enrolled in all of such carrier's health benefit plans."; and in said section, in lines 566 to 570, inclusive, by striking out the paragraph in those lines and inserting in place thereof the following paragraph:

"(b) Notwithstanding subsection (a) a carrier shall not enter or renew a contract or agreement on or after January 1, 2011 with a health care provider, including a hospital, physician group practice, or imaging service, under which the carrier agrees to pay the health care provider a rate that is greater than 15 per cent above or greater than 15 per cent below the carrier's statewide adjusted average rate, as defined by the division of health care finance and policy; provided, however, that, for purposes of this paragraph and the following paragraph, a carrier may pay a provider a rate that is greater than 15 per cent above the carrier's statewide adjusted average rate where the health care provider is located in a MSA in which the total health care cost per person per year for all health care providers' services provided to persons who are residents of such MSA and who are enrolled in all of such carrier's health benefit plans is no greater than 15 per cent above the average of the total health care cost per person per year per MSA for all health care providers' services provided to persons who are residents of the commonwealth and who are enrolled in all of such carrier's health benefit plans.".

The amendments were rejected.

Mr. Pignatelli of Lenox and other members of the House then moved to amend the bill in section 34, in lines 543 and 567, by inserting after the word "physician", in each instance, the words ", or provider". The amendments were adopted.

Mr. Koutoujian of Waltham then moved to amend the bill by adding the following four sections:

"SECTION 72. Chapter 175 of the General Laws is hereby amended by inserting after section 47U, inserted by section 8 of chapter 141 of the acts of 2000, the following section:—

Section 47V. No individual or group accident and health insurance policies and health service contracts can refuse to reimburse a physician at the full rate for necessary medical or surgical services provided by a physician assistant practicing under the supervision of a physician if the policy or contract would have paid for the same services when provided by a physician. Individual or group accident and health insurance policies and health service contracts cannot impose a practice or supervision restriction which is inconsistent or more restrictive than state law. Provided, however, that the following conditions are met: (1) the service rendered is within the scope of practice of physician assistants pursuant to section 9E of said chapter 112; (2) such service is provided in compliance with all other requirements of law, including a formal supervisory arrangement with a physician as provided for by said section 9E (3) the policy or contract provides benefits for such service if rendered by a registered physician in the commonwealth.

SECTION 73. Chapter 176A of the General Laws is hereby amended by inserting after section 8Z, the following section:—

Section 8V. No contract or subscription certificate between an insured and the corporation can refuse to reimburse a physician at the full rate for necessary medical or surgical services provided by a physi-

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cian assistant, certified by the board of registration of physician assistants pursuant to the provisions of section 9F of chapter 112, practicing under the supervision of a physician if the contract or subscription certificate would have paid for the same services when provided by a physician. A contract or subscription certificate between an insured and the corporation cannot impose a practice or supervision restriction which is inconsistent or more restrictive than state law; provided, however, that the following conditions are met: (1) the service rendered is within the scope of practice of physician assistants pursuant to section 9E of said chapter112; (2) such service is provided in compliance with all other requirements of law, including a formal supervisory arrangement with a physician as provided for by said section 9E; and (3) the contract or subscription certificate provided benefits for such service if rendered by a registered physician in the commonwealth.

SECTION 74. Chapter 176B of the General Laws is hereby amended by inserting after section 4U, inserted by section 4R the following section:—

Section 4V. No contract or subscription certificate between an insured and the corporation can refuse to reimburse a physician at the full rate for necessary medical or surgical services provided by a physician assistant, certified by the board of registration of physician assistants pursuant to the provisions of section 9F of chapter 112, practicing under the supervision of a physician if the contract or subscription certificate would have paid for the same services when provided by a physician. A contract or subscription certificate between an insured and the corporation cannot impose a practice or supervision restriction which is inconsistent or more restrictive than state law; provided, however, that the following conditions are met: (1) the service rendered is within the scope of practice of physician assistants pursuant to section 9E of said chapter112; (2) such service is provided in compliance with all other requirements of law, including a formal supervisory arrangement with a physician as provided for by said section 9E; and (3) the contract or subscription certificate provides benefits for such service if rendered by a registered physician in the commonwealth. No such contract of subscription certificate shall deny payment for such services solely on the basis that the service was provided by a physician assistant.

SECTION 75. The first paragraph of section 4 of chapter 176G of the General Laws is hereby amended by adding the following sentence:— Such health maintenance contract shall also provide coverage for the services rendered by a certified registered physician assistant, as set forth in section 47V of chapter 175, subject to the provisions of said section.”.

The amendment was adopted.

Mr. Kaufman of Lexington and other members of the House then moved to amend the bill by striking out section 40; and the amendment was adopted.

Mr. D’Amico of Seekonk then moved, there being no objection, to amend the bill by striking out section 34 (as previously amended) and inserting in place thereof the following two sections:

“SECTION 34. Chapter 176O is hereby amended by inserting after Section 5B the following section:—

Section 5C. (a) No carrier shall enter or renew a contract or agreement on or after January 1, 2012 with any health care provider under which the carrier agrees to pay the health care provider at a rate that is 10% above or 10% below the carrier's 2013 statewide relative price. The carrier's annual average relative price shall be calculated using the standard method determined by the commissioner using the provider categories and uniform methodology for price relativities established by the division of health care finance and policy pursuant to section 6 of chapter 118G and shall be certified by an independent actuary selected by the carrier from a panel established by the division. Each carrier's 2013 relative price shall be based on the carrier's 2010 relative price adjusted annually by the percentage increase in the consumer price index for all urban consumers, as reported by the United States Bureau of Labor Statistics. For each subsequent year, the carrier's relative price shall not increase at a rate greater than the annual percentage increase in the employment cost index for the private industry health care and social assistance industry group, as reported by the United States Bureau of Labor Statistics.

(b) Notwithstanding subsection (a), the commissioner of insurance may by regulation establish rate factors based on actuarially and statistically sound analysis of the differences in the cost of providing health care services for different rate factor categories of health care provider by specialty, academic status or geographic location. A carrier may enter or renew a contract on or after January 1, 2013 under which the carrier agrees to pay the health care provider a rate that applies an applicable rate factor established under this section; provided, however, that the resulting rate may not be more than 15% above or 15% below the carrier's statewide relative price, as determined in paragraph (a), for all health care providers regardless of whether the rate factor applies to them or not. If a carrier chooses to apply a rate factor established by the commissioner, the carrier shall apply that rate factor consistently to every health care provider within that rate factor category, as determined by the commissioner. A carrier may not apply a rate factor established pursuant to this section to any health care provider that has not entered, renewed or renegotiated its contract to provide services with the carrier between the effective date of this act and January 1, 2013.

(c) Notwithstanding subsection (a), a carrier may enter a contract with a health care provider, under which the carrier agrees to pay the health care provider a rate or global budget rate calculated to result in health status adjusted total medical expenses for the primary care provider or group that is no more than 5% above the health status adjusted total medical expenses of the health care providers in the carrier's statewide network. The carrier's annual health status adjusted total medical expenses shall be calculated using the total medical expenses determined using the uniform methodology established by the division of health care finance and policy pursuant to section 6 of chapter 118G and shall be certified by an independent actuary selected by the carrier from a panel established by the division.

(d) Any savings realized by the carrier from any reduction or mitigation in the growth of provider prices shall be incorporated in the premiums charged to health plan members.

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SECTION 34A. The division of insurance, in consultation with the division of health care finance and policy, shall conduct a study of the impact of Section 34 (section 5C of chapter 176O). The study shall include, but not be limited to, an examination of the impact on carrier provider networks, network adequacy, rates paid to non-participating providers, cost shifting across market segments, and the overall impact on carrier member premiums. The division may conduct a public hearing and receive input from interested parties. The division shall file a report with the clerks of the senate and house of representatives not later than January 1, 2014 on its findings and may make recommendations for legislation.”.

After remarks the amendment was rejected.

Messrs. Conroy of Wayland and Mariano of Quincy then moved to amend the bill by striking out section 29 and inserting in place thereof the following section:

“SECTION 29. Said chapter 176J is hereby amended by adding 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 at least one plan with either a reduced or selective network of providers. The base premium for the reduced or selective network, or any tiered network plan shall be at least 15 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.

(b) A tiered network plan shall only include variations on member cost-sharing between provider tiers, which are reasonable in relation to the premium charged, as long as the carrier provides adequate access to covered services at lower patient cost sharing levels.

(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 tiered network plan.

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

(e) In determining network adequacy under this section the commissioner may consider factors including: the location of providers participating in the plan; employers or members that enroll in the plan; the range of services provided by providers in the plan; and any 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) 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, de-identified aggregate demographic, and geographic information on all members and the average direct pre-

mium claims incurred for selective and tiered network plans compared to non-selective and non-tiered plans."; and by adding the following three sections:

"SECTION 76. Section 47H of chapter 175 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following 2 sentences:—

For purposes of this section, 'infertility' shall mean the condition of an individual who is unable to conceive or produce conception during a period of 1 year if the female is age 35 or younger or during a period of 6 months if the female is over the age of 35. For purposes of meeting the criteria for infertility in this section, if a person conceives but is unable to carry that pregnancy to live birth, the period of time she attempted to conceive prior to achieving that pregnancy shall be included in the calculation of the 1 year or 6 month period, as applicable.

SECTION 77. Section 8K of chapter 176A of the General Laws, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following 2 sentences:—

For purposes of this section, 'infertility' shall mean the condition of an individual who is unable to conceive or produce conception during a period of 1 year if the female is age 35 or younger or during a period of 6 months if the female is over the age of 35. For purposes of meeting the criteria for infertility in this section, if a person conceives but is unable to carry that pregnancy to live birth, the period of time she attempted to conceive prior to achieving that pregnancy shall be included in the calculation of the 1 year or 6 month period, as applicable.

SECTION 78. Section 4J of chapter 176B of the General Laws, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following 2 sentences:—

For purposes of this section, 'infertility' shall mean the condition of an individual who is unable to conceive or produce conception during a period of 1 year if the female is age 35 or younger or during a period of 6 months if the female is over the age of 35. For purposes of meeting the criteria for infertility in this section, if a person conceives but is unable to carry that pregnancy to live birth, the period of time she attempted to conceive prior to achieving that pregnancy shall be included in the calculation of the 1 year or 6 month period, as applicable.".

The amendments were adopted.

Messrs. Conroy and Mariano then moved, there being no objection, to amend the bill by striking out section 34 and inserting in place thereof the following section:

"SECTION 34. Chapter 176O is hereby amended by inserting after section 5 the following section:—

Section 5C. (a) A contract or agreement between a carrier and a health care provider, including a hospital, physician group practice or imagining service, entered or renewed on or after January 1, 2012, shall adhere to the following:

(1) A carrier with a contract for payment between the carrier and a health care provider containing a rate, adjusted for volume and

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acuity, greater than or equal to 10 per cent above the carrier's statewide adjusted average in the previous year beginning October 1 through September 30 shall not increase rates to be paid under that contract beyond the prior year's existing rate.

(2) A carrier with a contract for payment between the carrier and a health care provider containing a rate, adjusted for volume and acuity, greater than zero per cent but lower than 10 per cent above the carrier's statewide adjusted average in the previous year beginning October 1 through September 30 shall not increase rates to be paid under that contract by a percentage greater than the 12 month projected change of the United States city average Consumer Price Index for Medical Care Services for the following year.

(3) A carrier with a contract for payment between the carrier and a health care provider containing a rate, adjusted for volume and acuity, between zero per cent and 10 per cent below the carrier's statewide adjusted average in the previous year beginning October 1 through September 30 shall increase rates to be paid under that contract by a percentage greater than the 12 month projected change of the United States city average Consumer Price Index for Medical Care Services for the following year. These contracts shall not increase by a percentage more than the 1.5 times the12 month projected change of the United States city Consumer Price Index for Medical Care Services for the following year.

(4) A carrier with a contract for payment between the carrier and health care provider containing a rate, adjusted for volume and acuity, greater than 10 per cent below the carrier's statewide adjusted average in the previous year beginning October 1 through September 30 shall increase rates to be paid under that contract by a percentage more than 1.5 times the twelve month projected change of the United States city Consumer Price Index for Medical Care Services for the following year.

(b) Notwithstanding subsection (a) the division of insurance, in consultation with the division of health care finance and policy, may by regulation establish rate factors based on statistically sound analysis of the differences in the cost of providing health care services for different rate factor categories of health care provider, including, but not limited to, disproportionate share status, specialty, pediatric specialty, academic status and geographic location. A carrier may enter into or renew a contract on or after January 1, 2012 under which the carrier agrees to pay the health care provider a rate that applies an applicable rate factor established under this section; provided, however, that the resulting rate shall not be greater than 30 per cent above or greater than 30 per cent below the carrier's statewide adjusted average for all health care providers, regardless of whether the rate factor applies to the carrier or not.

(c) All contracts between a carrier and provider as defined in this section shall be filed with the division of insurance. The division may specify, by regulation, categories of information which may be furnished under an assurance of confidentiality to the provider. The division may review all contracts and shall refer any contracts deemed non-compliant to the attorney general.

(d) The division of insurance shall promulgate such regulations as may be necessary to ensure compliance with this section. The division of health care finance and policy shall publish carrier and aggregate statewide adjusted averages, rate factors and applicable consumer price index projections on an annual basis.

(e) Annually, on April 1, carriers shall submit an annual report to the division of health care finance and policy and to the division of insurance that identify all savings from reductions or mitigations in the growth of provider prices for the prior calendar year. The noted savings shall be certified by an actuary independent of the carrier. The division of health care finance and policy shall assess carriers 50 percent of the savings identified in these reports to deposit in the Disproportionate Share Hospital Trust Fund, established in section 35MM of chapter 10, and shall distribute the proceeds of this fund annually to those hospitals meeting the definition of a disproportionate share hospital, as defined in section 1 of 118G, based on the hospital's prior year share of uncompensated care in the commonwealth. The division of health care finance and policy shall promulgate such regulations as may be necessary to ensure compliance with this subsection.

(f) Fifty per cent of the savings identified subsection (e) shall be incorporated as savings in premiums charged to health plan members.

(g) Not later than January 2012, the division of insurance, in consultation with the executive office of health and human services, shall determine the formula for carriers to use in complying with the requirements of this section. The division shall analyze the differences between a carrier's median, weighted average or un-weighted average and shall promulgate regulations requiring the use of either the median, weighted average or un-weighted average as the single standard formula across all carriers. The division in promulgating these regulations shall ensure that the standard formula used achieves the combined goals of maximizing reduction in premiums and reducing the disparities in what the highest and lowest reimbursed providers are paid.

(h) Provided that contracts between a carrier and a provider that automatically renew year to year shall be excluded from this section.

(i) Provided that the rates paid to a pediatric hospital as defined in c. 118G, Section 1 and its affiliated physicians shall be compared to the rates paid to pediatric hospitals of similar size and scope rather than to a statewide average rate"; and by striking out section 63 (as published) and inserting in place thereof the following section:

"SECTION 66. Section 35 shall take effect on December 31, 2015.".

The amendments were adopted.

Mr. deMacedo of Plymouth then moved to amend the bill by adding the following section:

"SECTION 79. Notwithstanding any general or special law to the contrary, there shall be a special commission on small group rate regulation in Massachusetts. The commission shall consist of the chairpersons of the Joint Committee on Financial Services, who shall serve as co-chairs, the commissioner of insurance, the executive director of the group insurance commission, 1 person to be appointed by the senate president, 1 person to be appointed by the speaker of the house,

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1 person to be appointed by the Minority Leader of the House, and 1 person to be appointed by the Minority Leader of the Senate, and 6 members to be appointed by the Governor, 1 of whom shall be a representative of the Massachusetts Association of Health Plans, Inc., 1 of whom shall be a representative of Blue Cross and Blue Shield of Massachusetts, Inc., 1 of whom shall be a representative of the Massachusetts Hospital Association, Inc., 1 of whom shall be a representative of the Massachusetts Medical Society, and 1 of whom shall be an actuary in good standing with the American Society of Actuaries, and 1 of whom shall be a health economist. The commission shall conduct a study of the small group rate regulation environment in Massachusetts. The study shall include analysis of the use of a presumptive disapproval standard, the short term and long term impact on small group premium rates and the potential impact on the health care industry of disapproving rates filed at a minimum level necessary to cover actual medical costs, as well as issues of carrier solvency. The commission shall hold its first meeting no later than October 1, 2010, and shall issue a report of its findings, including recommended policy changes, if any, with the clerks of the senate and the house of representatives and with the governor not later than July 31, 2011.".

The amendment was rejected.

Mr. Perry of Sandwich and other members of the House then moved to amend the bill by adding the following three sections:

"SECTION 79. Chapter 112 of the Massachusetts General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out section 12C and inserting in place thereof the following section:—

Section 12C. No physician or nurse administering immunization or other protective programs under public health programs shall be liable in a civil suit for damages as a result of any act or omission on his part in carrying out his duties. No physician or nurse who is registered by the Commonwealth in the Massachusetts System for Advance Registration of Volunteer Health Professionals or its successor entity shall be liable in civil suit for damages for any act or omission on his part related to his voluntary participation in any disaster preparedness or response activity.

SECTION 80. Section 60H of chapter 231 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in lines 6, 13 and 14, 21, and 23, in each instance, the words 'five hundred thousand' and inserting in place thereof in each instance the figures:— $250,000.

SECTION 81. Said chapter 231, as so appearing, is hereby amended by adding after section 60K, the following new sections:

Section 60L. In any action for malpractice, error or mistake against a provider of health care licensed pursuant to section 2 of chapter 112, as most recently amended by Chapter 305 of the Acts of 2008, including actions pursuant to section 60B of this chapter, an expert witness shall be board certified in the same specialty as the defendant licensed pursuant to section 2 of chapter 112, as so appearing.

Section 60M. In every action for malpractice, negligence, error, omission, mistake or the unauthorized rendering of professional services against a provider of health care the court may, at the request of either party, enter a judgment ordering that money damages or its

equivalent for future damages of the judgment creditor be paid in whole or in part by periodic payments rather than by a lump-sum payment if the award equals or exceeds $50,000 in future damages. In entering a judgment ordering the payment of future damages by periodic payments, the court shall make a specific finding as to the dollar amount of periodic payments which will compensate the judgment creditor for such future damages, and court shall require a defendant who is not adequately insured to post security adequate to assure full payment of such damages awarded by the judgment. Upon termination of periodic payments of future damages, the court shall order the return of this security, or so much as remains, to the defendant.

(a) (1) The judgment ordering the payment of future damages by periodic payments shall specify the recipient or recipients of the payments, the dollar amount of the payments, the interval between payments, and the number of payments or the period of time over which payments shall be made. Such payments shall only be subject to modification in the event of the death of the judgment creditor.

(2) In the event that the court finds that the defendant has exhibited a continuing pattern of failing to make the payments as specified in paragraph (1), the court shall find the defendant in contempt of court and, in addition to the required periodic payments, shall order the defendant to pay the plaintiff all damages caused by the failure to make such periodic payments, including court costs and attorney's fees.

(b) Money damages awarded for loss of future earnings shall not be reduced or payments terminated by reason of the death of the plaintiff, but shall be paid to persons to whom the plaintiff owed a duty of support, as provided by law, immediately prior to his death, or to whom the plaintiff assigned, transferred, or bequeathed his right to receive payment. In such cases the court which rendered the original judgment, may, upon petition of any party in interest, modify the judgment to award and apportion the unpaid future damages in accordance with this subdivision.

(c) Following the occurrence or expiration of all obligations specified in the periodic payment judgment, any obligation of the defendant to make future payments shall cease and any security given, pursuant to this section shall revert to the defendant.

Section 60N. In any action for malpractice, error, omission, mistake or the unauthorized rendering of professional services against a provider of health care, the liability of each defendant for damages shall be several only and shall not be joint. Each defendant shall be liable only for the amount of damages allocated to that defendant in direct proportion to that defendant's percentage of fault, and a separate judgment shall be rendered against that defendant for that amount.".

Amendment rejected,—yea and nay No. 454.

After debate on the question on adoption of the amendment, the sense of the House was take by yeas and nays at the request of Mr. Perry; and on the roll call 24 members voted in the affirmative and 129 in the negative.

[See Yea and Nay No. 454 in Supplement.]

[Mr. Madden of Nantucket answered "Present" in response to his name.]

Therefore the amendment was rejected.

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Mr. Walsh of Lynn and other members of the House then moved to amend the bill by adding the following two sections:

"SECTION 79. Section 1 of Chapter 176J of the General Laws is hereby amended by inserting the following two definitions:

'Small business health plan', a Massachusetts nonprofit or not-for-profit corporation all the members of which are qualified associations and that negotiates with one or more carriers for the issuance of health benefit plans that cover employees of qualified association members and their dependents.

'Qualified association', a Massachusetts nonprofit or not-for-profit corporation or other entity that has been organized and maintained for purposes of advancing the occupational, professional, trade or industry interests of its members, other than that of obtaining health insurance, that has been in active existence for at least five years, that is comprised of at least 100 members, and membership in which is generally available to members of such occupation, profession, trade or industry without regard to the health condition or status of a prospective member.

SECTION 80. Chapter 176J of the General Laws is hereby amended by adding at the end thereof the following new section:

Section 11. Small Business Health Plans

(a) The commissioner shall write regulations governing the establishment and oversight of small business health plans. Those regulations shall require that all state mandated benefits are required under such plans, that denial of coverage due to the health condition, age, race or sex is prohibited, and that no eligible small business who is a member of the small business health plan may be charged a premium rate higher than what the carrier would charge to a similarly situated eligible small business who is not a member of the small business health plan.

(b) The commissioner shall biannually certify that a small business health plan satisfies the requirements of this chapter. Only a small business health plan that has been certified by the commissioner may procure health care coverage for the benefit of qualified association members.

(c) The books and records of a small business health plan and the methodology which it confirms the status of qualified associations shall be subject to review by commissioner.

(d) Health care coverage procured by a small business health plan shall be sold to qualified association members.

(e) Eligible businesses for the small business health plan shall have not more than 50 eligible employees.

(f) The Commissioner shall report on the effectiveness and business cost savings to the Committees on Senate Ways and Means and House Ways and Means as well as the Joint Committees on Health Care Financing and Financial Services within 48 months of the initial certification of the small business health plan as defined under this section.".

Amendment adopted,—yea and nay No. 455.

After debate on the question on adoption of the amendment, the sense of the House was take by yeas and nays at the request of Mr. Murphy of Weymouth; and on the roll call 151 members voted in the affirmative and 1 in the negative.

[See Yea and Nay No. 455 in Supplement.]

Therefore the amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by adding the following four sections:

"SECTION 81. Paragraph (n) of section 5 of chapter 614 of the acts of 1968 is hereby amended by striking out the words 'its administrative' and inserting in place thereof the following words:— fees, administrative.

SECTION 82. Said section 5 of said chapter 614 is hereby further amended by inserting after paragraph (n) the following paragraph:—

(n½) to fund the capital reserves authorized under paragraph (g) of section 10, to fund and administer loans and grant programs for community hospitals and community health centers under paragraph (g) of section 10 and to fund any reimbursement of the commonwealth required by paragraph (g)(xii) of section 10.

SECTION 83. Section 10 of said chapter 614 is hereby further amended by adding the following paragraph:—

(g)(i) For the benefit of nonprofit community hospitals and nonprofit community health centers licensed by the department of public health and meeting the definition of a community health center under 114.6 CMR 13.00 as either a community health center or a hospital licensed health center, the authority may create and establish special funds to be known as Community Hospital and Community Health Center Capital Reserve Funds and, to the extent so created, shall pay into each such fund any monies appropriated and made available by the commonwealth for the purposes of such fund, any proceeds from the sale of notes or bonds to the extent provided in the resolution, trust agreement or indenture of the authority authorizing issuance thereof, any other monies or funds of the authority that the authority determines to deposit in the fund and any other monies which may be available to the authority only for the purpose of such fund from any other source or sources. All monies held in the fund, except as hereinafter provided, shall be used solely for the payment of the principal of bonds of the authority which are secured by any such fund as the same mature, which herein shall include becoming payable by sinking fund installment, the purchase of such bonds, the payment of interest on such bonds, or the payment of any redemption premium required to be paid when such bonds are redeemed prior to maturity; provided, however, that, monies in a Community Hospital and Community Health Center Capital Reserve Fund shall not be withdrawn therefrom at any time in such amount as would reduce the amount of the fund to less than the maximum amount of principal and interest maturing and becoming due in a succeeding calendar year on outstanding bonds which are secured by the fund, except for the purpose of paying the principal of and interest on such bonds maturing and becoming due or for the retirement of such bonds in accordance with the terms of a contract between the authority and its bondholders and for the payment of which other monies pledged to secure such bonds are not available. Any income or interest earned by, or increment to, a Community Hospital and Community Health Center Capital Reserve Fund due to the investment thereof shall be used by the authority for the purposes of the fund. (ii) The authority shall not issue bonds which are secured by a Community Hospital and Community Health Center Capital Reserve Fund at any time if the maximum amount of principal and interest maturing or becoming due in a succeeding calendar year on such bonds then to be

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issued and on all other outstanding bonds of the authority which are secured by a fund will exceed the amount of such Community Hospital and Community Health Center Capital Reserve Fund at the time of issuance unless the Authority, at the time of issuance of such bonds, shall deposit in such Fund from the proceeds of the bonds so to be issued, or otherwise, an amount which, together with the amount then in the fund, will be not less than the maximum amount of principal and interest maturing and becoming due in a succeeding calendar year on such bonds then to be issued and on all other outstanding bonds of the authority which are secured by any such fund. (iii) To assure the continued operation and solvency of the authority for the carrying out of the public purposes of this act, provision is made in subparagraph (i) for the accumulation in a Community Hospital and Community Health Center Capital Reserve Fund of an amount equal to the maximum amount of principal and interest maturing and becoming due in a succeeding calendar year on all outstanding bonds which are secured by any such fund. In order to further assure the maintenance of a Community Hospital and Community Health Center Capital Reserve Fund, there shall be appropriated annually and paid to the authority for deposit in the fund such sum, if any, as shall be certified by the executive director of the authority to the governor as necessary to restore the fund to an amount equal to the maximum amount of principal and interest maturing and becoming due in a succeeding calendar year on the outstanding bonds which are secured by any such fund. The executive director of the authority shall annually, on or before December 1, make and deliver to the governor a certificate stating the amount, if any, required to restore a Community Hospital and Community Health Center Capital Reserve Fund to the amount aforesaid and the amount so stated, if any, shall be appropriated and paid to the authority during the then current fiscal year of the commonwealth. (iv) For the purposes of this paragraph, in computing the amount of a Community Hospital and Community Health Center Capital Reserve Fund, securities in which all or a portion of the fund are invested shall be valued at par or, if purchased at less than par, at their cost to the authority unless otherwise provided in the resolution, trust agreement or indenture authorizing the issuance of bonds secured by the fund. (v) For the purposes of this paragraph, the amount of a letter of credit, insurance contract, surety bond or similar financial undertaking available to be drawn upon and applied to obligations to which money in the Community Hospital and Community Health Center Capital Reserve Fund may be applied shall be counted as money in the fund. For the purposes of this paragraph, in calculating the maximum amount of interest due in the future on variable rate bonds or bonds with respect to which the interest rate is not at the time of calculation determinable, the interest rate shall be calculated at the maximum interest rate on such bonds or such lesser interest rate as shall be certified by the authority as an appropriate proxy for such variable or nondeterminable interest rate. (vi) Bonds secured by a Community Hospital and Community Health Center Capital Reserve Fund shall be issued by the authority solely for the benefit of nonprofit community hospitals and nonprofit community health centers licensed by the department of public health. (vii) Notwithstanding any provision of this act to the contrary, no loan shall be made by the

authority to a nonprofit community hospital or nonprofit community health center from the proceeds of bonds secured by a Community Hospital and Community Health Center Capital Reserve Fund established under this paragraph unless: (a) the project to be financed by the loan has been approved by the secretary of health and human services; and (b) the loan and the issuance and terms of the related bonds have been approved by the secretary of administration and finance. In connection with any loan to a nonprofit community hospital or nonprofit community health center pursuant to this paragraph, the secretary of health and human services and the secretary of administration and finance may enter into an agreement with the authority and the nonprofit community hospital or nonprofit community health center to: (a) require that the nonprofit community hospital or nonprofit community health center provide financial statements or other information relevant to the financial condition of the nonprofit community hospital or nonprofit community health center and its compliance with the terms of the loan; (b) require that the nonprofit community hospital or nonprofit community health center reimburse the commonwealth for any amounts the commonwealth transfers to the fund under subparagraph (iii) to replenish the fund as a result of a loan payment default by the nonprofit community hospital or nonprofit community health center; and (c) require compliance by the nonprofit community hospital or nonprofit community health center or the authority with any other terms and conditions that the secretary of health and human services and the secretary of administration and finance considers appropriate in connection with the loan. (viii) When the authority notifies the secretary of administration and finance in writing that an institution eligible to use the authority under this paragraph is in default as to the payment of principal or interest on any bonds issued by the authority on behalf of that institution or that the authority has reasonable grounds to believe that the institution will not be able to make a full payment when that payment is due, the secretary of administration and finance shall direct the comptroller to withhold any funds in the comptroller's custody that are due or payable to the institution until the amount of the principal or interest due or anticipated to be due has been paid to the authority or the trustee for the bondholders, or until the authority notifies the secretary of administration and finance that satisfactory arrangements have been made for the payment of the principal and interest. Funds subject to withholding under this subparagraph shall include, but not be limited to, federal and state grants, contracts, allocations and appropriations. (ix) If the authority further notifies the secretary of administration and finance in writing that no other arrangements are satisfactory, the secretary shall direct the comptroller to make available to the authority without further appropriation any funds withheld from the institution under subparagraph (viii). The authority shall apply the funds to the costs incurred by the institution, including payments required to be made to the authority or trustee for any bondholders of debt service on any bonds issued by the authority for the institution or payments to replenish the Community Hospital and Community Health Center Capital Reserve Fund or required by the terms of any other law or contract to be paid to the holders or owners of bonds issued on behalf of the institution upon failure or default,

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or upon reasonable expectation of failure or default, of the institution to pay the principal or interest on its bonds when due. (x) Concurrent with any notice from the authority to the secretary of administration and finance under this paragraph, the authority may notify any other agency, department or authority of state government that exercises regulatory, supervisory or statutory control over the operations of the institution. Upon notification, the agency, department or authority shall immediately undertake reviews to determine what action, if any, that agency, department or authority should undertake to assist in the payment by the institution of the money due or the steps that the agencies of the commonwealth, other than the comptroller or the authority, should take to assure the continued prudent operation of the institution or provision of services to the people served by the institution. (xi) Notwithstanding any general or special law to the contrary, in the event that a nonprofit community hospital or nonprofit community health center fails to reimburse the commonwealth for any transfers made by the commonwealth to the authority to replenish the Community Hospital and Community Health Center Capital Reserve Fund in accordance with subparagraph (iii) within 6 months after any such transfer and as otherwise provided in accordance with the terms of the agreement among the nonprofit community hospital or nonprofit community health center, the authority and the commonwealth authorized under subparagraph (vii), the secretary of administration and finance may, in his sole discretion, direct the comptroller to withhold any funds in the comptroller's custody that are due or payable to the nonprofit community hospital or nonprofit community health center to cover all or a portion of the amount the nonprofit community hospital or nonprofit community health center has failed to pay to the commonwealth to reimburse the commonwealth for any such transfers. All contracts issued by the group insurance commission, the commonwealth health insurance connector authority and MassHealth to a third party for the purposes of providing health care insurance paid for by the commonwealth shall provide that, at the direction of the secretary of administration and finance, the third party shall withhold payments to a nonprofit community hospital or nonprofit community health center which fails to reimburse the commonwealth in accordance with the agreement authorized under subparagraph (vii) and shall transfer the withheld amount to the commonwealth. Any such withheld amounts shall be considered to have been paid to the nonprofit community hospital or nonprofit community health center for all other purposes of law and the nonprofit community hospital or nonprofit community health center shall be considered to have reimbursed the commonwealth for all or a portion of any such transfers to the Community Hospital and Community Health Center Capital Reserve Fund for purposes of the agreement authorized under said subparagraph (vii). (xii) Notwithstanding any general or special law to the contrary, in the event that the commonwealth has not been fully reimbursed the amount of any transfer made pursuant to this subsection (g) as of the one year anniversary of such transfer, the authority shall pay to the commonwealth an amount equal to that portion of the transfer for which the commonwealth has not yet received reimbursement as of said anniversary. Said reimbursement shall be completed pursuant to a schedule determined

by the secretary of administration and finance. Said reimbursement shall not interfere with the obligations of a nonprofit community hospital or nonprofit community health center pursuant to subsection (g) (xi). Any funds received by the commonwealth pursuant to subsection (g) (xi) which exceed the full reimbursement to the commonwealth from the authority required by this subsection (g) (xii), shall be paid to the authority. (xiii) For the purposes of this paragraph, a community hospital or community health center shall not include a hospital where the ratio of the number of physician residents in training to the number of inpatient beds exceeds 0.25.

SECTION 84. Section 12 of said chapter 614 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence: Except as otherwise provided in paragraph (g) of section 10, the issuance of revenue bonds under this act shall not directly, indirectly or contingently obligate the commonwealth or any political subdivision thereof to levy or to pledge any form of taxation therefore or to make any appropriation for payment of those bonds.”.

The amendment was adopted.

Messrs. Conroy of Wayland and Mariano of Quincy then moved, there being no objection, to amend the bill by striking out section 28 (as previously amended) and inserting in place thereof the following section:

“SECTION 28. Said Chapter 176J is hereby amended by striking out section 6 and inserting in place thereof the following section:—

Section 6. (a) Notwithstanding any general or special law to the contrary, the commissioner may approve health insurance policies submitted to the division of insurance for the purpose of being provided to eligible individuals or eligible small businesses. These health insurance policies shall be subject to this chapter and may include networks that differ from those of a health plan’s overall network. The commissioner shall adopt regulations regarding eligibility criteria. These eligibility criteria shall require that health insurance policies that exclude mandated benefits shall only be offered to small businesses which did not provide health insurance to its employees as of April 1, 1992. These eligibility criteria shall also provide that small businesses shall not have any health insurance policies that exclude mandated benefits for more than a 5-year period.

(b) Notwithstanding any general or special law to the contrary, the commissioner shall require carriers offering health benefit plans to eligible small businesses and eligible individuals to submit information as required by the commissioner, including, but not limited to:

(i) underwriting, auditing, actuarial, financial analysis, treasury and investment expenses;

(ii) marketing and sales expenses, including, but not limited to, advertising, member relations, member enrollment and all expenses associated with producers, brokers and benefit consultants;

(iii) claims operations expenses, including, but not limited to, adjudication, appeals, settlements and expenses associated with paying claims;

(iv) medical administration expenses, including, but not limited to, disease management, utilization review and medical management;

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(v) network operations expenses, including, but not limited to, contracting, hospital and physician relations and medical policy procedures;

(vi) charitable expenses, including, but not limited to, contributions to tax-exempt foundations and community benefits;

(vii) state premium taxes;

(viii) board, bureau and association fees;

(ix) depreciation; and

(x) miscellaneous expenses described in detail by expense, including any expense not included in clauses (i) to (ix), inclusive.

(c) Notwithstanding any general or special law to the contrary, the commissioner may require carriers offering small group health insurance plans, including carriers licensed under chapters 175, 176A, 176B or 176G, to file all changes to small group product base rates and to small group rating factors at least 90 days before their proposed effective date. The commissioner shall disapprove any proposed changes to base rates that are excessive, inadequate or unreasonable in relation to the benefits charged. The commissioner shall disapprove any change to small group rating factors that is discriminatory or not actuarially sound. 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.

(d) For base rate changes filed to be effective between October 1, 2010 and June 30, 2012, inclusive, if a carrier files a base rate whose administrative expense loading component increases by more than the most recent calendar year's percentage increase in the New England medical CPI or if a carrier's reported contribution to surplus exceeds 1.9%, such carrier's rate, in addition to being subject to all other provisions of this chapter, shall be presumptively disapproved as excessive by the commissioner as set forth in this subsection, with the exception of any carrier whose Risk Based Capital Ratio falls below 300% for the most recent four consecutive quarters. For such carriers the reported contribution to surplus may not exceed 2.5%.

(e) If a proposed base rate change has been presumptively disapproved:

(1) A carrier shall communicate to all employers and individuals covered under a small group product that the proposed increase has been presumptively disapproved and is subject to a hearing at the division of insurance.

(2) The commissioner shall conduct a public hearing and shall advertise it in newspapers in Boston, Brockton, Fall River, Pittsfield, Springfield, Worcester, New Bedford and Lowell, or shall notify such newspapers of the hearing. The commissioner shall adopt regulations to specify the scheduling of the hearings required pursuant to this subsection.

(f) If the commissioner disapproves the rate submitted by a carrier the commissioner shall notify the carrier in writing no later than 45 days prior to the proposed effective date of the carrier's rate. The carrier may request a hearing on the disapproval by filing was written request with the division of insurance within 10 days of its receipt of such notice.".

The amendment was adopted.

Messrs. Alicea of Charlton and Mariano of Quincy then moved to amend the bill by adding the following section:

"SECTION 85. Chapter 111 of the General Laws is hereby amended by adding, after Section 24I, the following new section:—

Section XX. (a) The department shall conduct a study to determine the cost effectiveness of allowing eligible health care providers that participate in the Massachusetts Department of Public Health (MDPH) Immunization Program to select any FDA approved vaccine for use in an eligible patient, including combination vaccines and any dosage forms that:

(1) are recommended by the federal Advisory Committee on Immunization Practices or any successor committee serving a comparable function, for use in a particular patient population;

(2) are made available to the Department by the Centers for Disease Control and Prevention of the United States Public Health Service

(b) The Department shall also conduct a study to determine the cost effectiveness to allow the usage of a single preferred product for use in the Massachusetts Department of Public Health Immunization Program where equivalent vaccines exist if the cost to the department of providing the vaccine is more than 115 percent of the lowest priced equivalent vaccine. For the purposes of this section, =equivalent vaccines' means two or more vaccines that meet all of the following:

(1) protect a recipient of a vaccine against the same infection or infections;

(2) require the same number of doses;

(3) have similar safety and efficacy profiles;

(4) are recommended for comparable populations by the Centers for Disease Control and Prevention of the United States Public Health Service.".

The amendment was adopted.

Bill passed to be engrossed,— yea and nay No. 456.

On the question on passing the bill, as amended, to be engrossed, in concurrence, the sense of the House was take by yeas and nays at the request of Mr. Mariano of Quincy; and on the roll call 138 members voted in the affirmative and 15 in the negative.

[See Yea and Nay No. 456 in Supplement.]

Therefore the bill, as amended, was passed to be engrossed, in concurrence (for House text, as amended, see House document numbered 4924, published as amended). The bill (Senate, No. 2447, amended) then was sent to the Senate for concurrence in the House amendment.

Emergency Measure.

Sharon Baert, — sick leave bank.

The engrossed Bill establishing a sick leave bank for Sharon Baert, an employee of the Department of Developmental Services (see Senate, No. 2466, 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 32 to 0. Sent to the Senate for concurrence.

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

Engrossed Bill.

Kayak safety.

The engrossed Bill relative to kayak safety (see Senate, No. 2518) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Pending the question on passing the bill to be enacted, Mr. Straus of Mattapoisett moved that Rule 40 be suspended; and the motion prevailed. The same member then moved to amend the bill by striking out section 3 and inserting in place thereof the following section:

"SECTION 3. Said section 5A of said chapter 90B, as so appearing, is hereby further amended by inserting in the first sentence after the word 'vessel' the following:— including canoes and kayaks.".

The amendment was adopted. Sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

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

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty-seven minutes before seven o'clock P.M. (Thursday, July 22), on motion of Mr. Pedone of Worcester (Mr. Murphy of Burlington being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.

Monday, July 26, 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.

As we begin this final week of formal legislative session, we take a moment to offer a prayer to You, God our Creator and Guide, for Your assistance. In Your goodness, inspire us to make the right, ethical and the best decisions on the legislative items which come before us. Help us to be patient, open and thoughtful in working together to resolve all the issues and especially items which are sensitive and controversial. In dealing with current issues, may we be aware of the consequences of our decisions on future generations and on the future of the Commonwealth itself. Teach us to encourage all people, through our many educational programs, to utilize their intellectual gifts and talents in a positive and beneficial manner for their own well-being and for the common good. In addressing issues, may we remain faithful to our traditional principles, ideals, goals and religious values.

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.

Statement of Representative Falzone of Saugus.

A statement of Mr. Falzone of Saugus was spread upon the records, as follows:

Statement of Mr. Falzone of Saugus.

MR. SPEAKER: I would like to call to the attention of the House the fact that on Tuesday, July 20, 2010, on Yea and Nay No. 447, it was my intention to vote in the affirmative. However, I now find that, for some inexplicable reason, I was recorded in the negative.

Resolutions.

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

Coast Guard.

Resolutions (filed by Mr. Costello of Newburyport) congratulating the United States Coast Guard on the occasion of its two hundred and twentieth anniversary;

Boston Pops.

Resolutions (filed by Mr. Keenan of Salem and other members of the House) congratulating the Boston Pops on its one hundred and twenty-five year anniversary;

Pilgrim Monument.

Resolutions (filed by Ms. Peake of Provincetown and other members of the House) celebrating the one hundredth anniversary of the dedication of the Pilgrim Monument;

Jane and Jack Fitzpatrick.

Resolutions (filed by Mr. Pignatelli of Lenox) recognizing Jane and Jack Fitzpatrick's dedication and service to the town of Stockbridge; and

Avard W. Craig, Jr.

Resolutions (filed by Mr. Turner of Dennis) congratulating Avard W. Craig, Jr., on the occasion of his eighty-fifth birthday and receiving his high school diploma.

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 Ms. Wolf of Cambridge, 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.

Volunteer dentistry.

The Senate Bill relative to certain temporary registrations and volunteer dentistry (Senate, No. 2567) (on Senate bill No. 891), 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 matters be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting for a second reading.

Bills

Quaboag and Ware River,—commission.

Establishing the Quaboag and Ware River Valley Heritage District Commission (Senate, No. 369, amended in section 3, in lines 50 and 51, by striking out the words "but may receive reasonable expenses for travel when engaged in commission business if the expenses are not reimbursed by any other source") (on a petition);

State police,—memorial flag.

Relative to providing the next of kin of a state police officer killed in the line of duty with a flag during the memorial service (Senate, No. 1013, amended by striking out all after the enacting clause and inserting in place thereof the following:

"Section 1. Section 89 of chapter 112 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by adding the following paragraph:—

If an officer of the department of state police is killed, or dies from injuries received, or dies as a natural and proximate result of undergoing a hazard peculiar to his employment, while in the performance of his duty, the next of kin of the deceased officer shall be entitled to receive from the department, at the expense of the commonwealth, a flag of the commonwealth which may be presented at any memorial service honoring the deceased officer.") (on a petition);

Wildfire team.

Relative to the state wildfire team (Senate, No. 2563) (on Senate bill No. 669);

Hoisting.

Updating the hoisting law (Senate, No. 2564) (on Senate bill No. 915); and

Corporate manslaughter.

To increase the penalties for corporate manslaughter (Senate, No. 2565) (on Senate bill No. 1820);

Severally passed to be engrossed by the Senate were read; and they were referred, under Rule 33, to the committee on Ways and Means.

A report of the committee the Judiciary, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 2526) of Michael O. Moore, Harriette L. Chandler and John J. Binienda (with the approval of the mayor and city council) for legislation relative to the enforcement of illegal dumping violations in the city Worcester,— and recommending the same be referred to the committee on Environment, Natural Resources and Agriculture,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

Worcester,— illegal dumping.

Reports of Committees.

By Mr. Koutoujian of Waltham, for the committee on Financial Services, on House, Nos. 65, 85, 856, 897, 899, 924, 925, 952, 966, 967, 990 1013, 1019, 1041, 1061, 3680, 3890 and 3891, an Order relative to authorizing the committee on Financial Services to make an investigation and study of certain House documents concerning financial services (House, No. 4920).

Financial Services,— study.

By Mr. Wagner of Chicopee, for the committee on Transportation, on House, Nos. 637, 3151, 3161, 3165, 3166, 3173, 3176, 3177, 3180, 3183, 3184, 3185, 3188, 3192, 3195, 3203, 3204, 3215, 3221, 3223, 3235, 3236, 3237, 3249, 3262, 3268, 3269, 3272, 3275, 3285, 3288, 3291, 3309, 3310, 3311, 3312, 3313, 3325, 3326, 3327, 3336, 3339, 3341, 3352, 3371, 3542, 3543, 3634, 3642, 3788, 3791, 3844, 4016, 4017, 4018, 4019, 4021, 4022, 4023, 4024, 4032, 4033, 4034, 4035, 4037, 4039, 4205 and 4214, an Order relative to authorizing the committee on Transportation to make an investigation and study of certain House documents concerning transportation issues (House, No. 4928).

Transportation,— study.

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.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill further amending Chapter 407 of the Acts of 1983 establishing the Mattapoisett River Valley Water Supply protection advisory committee (House, No. 4858). Read; referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mattapoisett River Valley Water Supply.

By Mr. Moran of Boston, for the committee on Election Laws, on a message from His Excellency the Governor, a Bill validating the actions taken at a certain town election in the town of Hopkinton (printed in House, No. 4893). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Hopkinton,— election.

Mr. Kafka of Stoughton, for said committee, reported recommending that the matter be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting for a second reading.

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

Plimoth.

Relative to Plimoth Plantation (House, No. 4510);

Boston,—land.

Authorizing the Division of Capital Asset Management and Maintenance to transfer care and control of certain land in Boston (House, No. 4778);

Sherborn,—water system.

To convey certain Commonwealth property consisting of the waters of Farm Pond, its tributaries, and water distribution system to the town of Sherborn (House, No. 4783);

Tewksbury,—open space.

Authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land to the town of Tewksbury for recreational and open space purposes (House, No. 4822);

Cambridge,—land.

Authorizing the city of Cambridge to grant a permanent easement on and over certain strips of land owned by the city of Cambridge in Watertown, Massachusetts (House, No. 4874); and

Id.

Authorizing the grant of easements upon land of the Commonwealth located in the city of Cambridge (House, No. 4875);

Severally 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; and, under said rule they were placed in the Orders of the Day for the next sitting for a second reading.

Somerville,—land.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the city of Somerville to the Somerville Housing Authority (Senate, No. 2286, amended) ought to pass with amendments in lines 2, 3 and 4, by striking out the following “, notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws, may convey by deed approved as to form by the inspector general” and inserting in place thereof the following “and the Metropolitan Water Resources Authority, may convey, notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws, by deed”; and by adding the following section:

“SECTION 5. The use of the parcel shall be restricted to the development and operation of affordable senior housing pursuant to section 2. In the event the property ceases to be used for such purpose, title to the property shall, after the provision of notice and an opportunity to cure from the commonwealth, revert to the commonwealth.”.

Salisbury,—land.

By the same member, for the same committee, that the Bill conveying land to the town of Salisbury (House, No. 634) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4929).

Girls,—programs.

By the same member, for the same committee, that the Bill establishing a special commission on gender-responsive programming for system-involved girls (House, No. 3418) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4931).

Hull,—land.

By the same member, for the same committee, that the Bill relative to the use of buildings and park land in the town of Hull for development purposes (House, No. 3666) ought to pass with an amendment substituting therefore a Bill authorizing the Division of Capital Asset Management and Maintenance to lease certain Nantasket Beach reser-

vation buildings and park land in the town of Hull for development purposes (House, No. 4932).

By the same member, for the same committee, that the Bill authorizing the Department of Conservation and Recreation to enter into a certain lease (House, No. 4482) ought to pass with amendments in line 31 by striking out the following "Urban Parks trust, established under section 1 of chapter 132A of the General Laws" and inserting in place thereof the words "General Fund"; and in line 54 by inserting after the word "of" the words "equal or". Cambridge,— North Point Park land.

By the same member, for the same committee, that the Bill to assure college and career readiness through six-year career plans for all Massachusetts public school students (House, No. 4523) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4933). Students,— career plans.

By the same member, for the same committee, that the Bill authorizing a ground lease of land owned by the Department of Conservation and Recreation for conservation and recreation purposes in the town of Hingham (House, No. 4823) ought to pass with an amendment in lines 29 and 30 by striking out the following "a minimum 3,285 gross square feet" and inserting in place thereof the word "space". Hingham,— lease.

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

Mr. Kafka of Stoughton, for said committee, reported, in each instance, that the matters be scheduled for consideration by the House; and, under said rule they were placed in the Orders of the Day for the next sitting for a second reading, with the amendments pending.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to the Connecticut River Rowing Facility (House, No. 3145) ought to pass with an amendment substituting a bill with the same title (House, No. 4930). Connecticut River,— rowing facility.

Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment previously recommended by the committee on Bonding, Capital Expenditures and State Assets,— that the bill be amended by substitution of a bill with the same title (House, No. 4765),— and the amendment recommended by the committee on Ways and Means, pending.

Mr. Kafka of Stoughton, for said committee, reported that the matter be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting for a second reading, with the amendments pending.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill increasing access to affordable health insurance coverage (printed as Senate, No. 455) be scheduled for consideration by the House, 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. 4799),— pending. Affordable health insurance.

By the same member, for the same committee, that the House Bill relative to certified professional midwives and enhancing the practice of nurse-midwives (printed as Senate, No. 2341) be scheduled Midwives.

Midwives.

for consideration by the House, 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. 4810),— pending.

Severally placed in the Orders of the Day for the next sitting for a second reading, with the amendments pending.

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

Senate bills

Gloucester,— linkage.

Establishing a linkage extraction program in the city of Gloucester (Senate, No. 100) [Local Approval Received];

Hazardous materials.

Authorizing municipalities to petition for public involvement plans in hazardous materials sites (Senate, No. 418);

Somerville,— police.

Exempting the position of deputy chief of police in the city of Somerville from the civil service law (Senate, No. 2263) [Local Approval Received];

Great Barrington,— police.

Exempting the position of chief of police of the town of Great Barrington from the civil service law (Senate, No. 2332) [Local Approval Received];

Warrantless arrest.

Authorizing the warrantless arrest for reckless or negligent operation that results in serious bodily injury or death (Senate, No. 2472); and

House bills

Employment agencies.

Updating and streamlining the regulation of employment agencies (House, No. 4623);

East Bridgewater.

Further regulating tax titles in the town of East Bridgewater (House, No. 4678) [Local Approval Received];

Westborough,— liquor licenses.

Authorizing the town of Westborough to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4736) [Local Approval Received];

Littleton,— light department.

Relative to the town of Littleton Electric Light Department (House, No. 4741) [Local Approval Received];

Schools.

Relative to school district regionalization (House, No. 4754);

Pepperell,— ballot question.

Authorizing the placement of a certain question on the ballot to be used at the November 2010 biennial state election in the town of Pepperell relative to the sale of all alcoholic beverages (House, No. 4846) [Local Approval Received]; and

North Adams,— reserve funds.

Authorizing the city of North Adams to use reserve funds to reduce debt (House, No. 4851) [Local Approval Received];

Severally placed in the Orders of the Day for the next sitting for a second reading.

Engrossed Bills.

Engrossed bills

Bills enacted.

Relative to property tax exemptions in the town of Ashland (see House, No. 1904, changed and amended);

Regulating elections in the town of Yarmouth (see House, No. 4243);

Establishing a shellfish mitigation receipts reserved for appropriation fund in the town of Dennis (see House, No. 4245);

Relative to qualified financial contracts (see House, No. 4399);

Relative to certain exemptions in Massachusetts automobile insurance plans (see House, No. 4476, amended); and

Designating Eunice Kennedy Shriver Day (see House, No. 4796);

(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 it were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

The Senate Bill exempting the office of deputy chief of police in the town of Rockland from the civil service law (Senate, No. 2475), 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. Third Reading bill.

The House Bill relative to the public health enterprise fund in the town of Stoughton (House, No. 4852), 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. Id.

The House Bill relative to the protection of children (House, No. 1589) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time. Children,—protection.

Pending the question on passing the bill to be engrossed, Messrs. Driscoll of Braintree and Pedone of Worcester moved to amend it by adding the following two sections:

"SECTION 75. Subsection (1) of section 178L of chapter 6 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out paragraph (a) and inserting in place thereof the following paragraph:—

(a) Not less than 180 days prior to the release or parole of a sex offender from custody or incarceration, the board shall notify the sex offender of his right to submit to the board documentary evidence relative to his risk of reoffense and the degree of dangerousness posed to the public and his duty to register according to the provisions of section 178E. If the sex offender is a juvenile at the time of such notification, notification shall also be mailed to the sex offender's legal guardian and his most recent attorney of record. Such sex offender may submit such evidence to the board within 30 days of receiving such notice from the board. Upon a reasonable showing, the board may extend the time in which such sex offender may submit such documentary evidence by no more than 30 days. The board may extend the time in which such sex offender may submit such documentary evidence after the 30 days, but only after additional reasonable showing and not more than 30 days at a time. Upon reviewing such evidence, the board shall notify the sex offender within 30 days of the board's recommended sex offender classification, his duty to register, if any, his right to petition the board to request an evidentiary hearing to challenge such classification and duty, his right to retain counsel to represent him at such hearing and his right to have counsel appointed for him if he is

Children,—protection.

found to be indigent as determined by the board using the standards under chapter 211D; provided, however, that such indigent offender may also apply for and the board may grant payment of fees for an expert witness in any case where the board in its classification proceeding intends to rely on the testimony or report of an expert witness prepared specifically for the purposes of the classification proceeding. If the offender is found to be indigent as determined by the board using the standards under chapter 211D, counsel shall be appointed within 20 days. Such sex offender shall petition the board for such hearing within 20 days of receiving such notice. The board shall conduct such hearing within 60 days from the latter of petition from the sex offender or appointment of counsel. The failure to timely petition the board for such hearing shall result in a waiver of such right and the registration requirements, if any, and the board's recommended classification shall become final.

SECTION 76. Said subsection (1) of said section 178L of said chapter 6, as so appearing, is hereby further amended by striking out paragraph (c) and inserting in place thereof the following paragraph:—

(c) In the case of any sex offender not in custody, upon receiving registration data from the agency, the police department at which the sex offender registered, the sentencing court or by any other means, the board shall promptly notify the sex offender of his right to submit to the board documentary evidence relative to his risk of reoffense and the degree of dangerousness posed to the public and his duty to register, if any, according to the provisions of section 178E. If such sex offender is a juvenile at the time of such notification, notification shall also be mailed to the sex offender's legal guardian and his most recent attorney of record. Such sex offender may submit such evidence to the board within 30 days of receiving such notice from the board. Upon a reasonable showing, the board may extend the time in which such sex offender may submit such documentary evidence by no more than 30 days. The board may extend the time in which such sex offender may submit such documentary evidence after the 30 days, but only after additional reasonable showing and not more than 30 days at a time. Upon reviewing such evidence, the board shall notify the sex offender within 30 days of the board's recommended sex offender classification, his duty to register, if any, his right to petition the board to request an evidentiary hearing to challenge such classification and duty, his right to retain counsel to represent him at such hearing and his right to have counsel appointed for him if he is found to be indigent as determined by the board using the standards under chapter 211D; provided, however, that such indigent offender may also apply for and the board may grant payment of fees for an expert witness in any case where the board in its classification proceeding intends to rely on the testimony or report of an expert witness prepared specifically for the purposes of the classification proceeding. If the offender is found to be indigent as determined by the board using the standards under chapter 211D, counsel shall be appointed within 20 days. Such sex offender shall petition the board for such hearing within 20 days of receiving such notice. The board shall conduct such hearing within 60 days from the latter of petition from the sex offender

or appointment of counsel. The failure to timely petition the board for such hearing shall result in a waiver of such right and the registration requirements, if any, and the board's recommended classification shall become final.".

The amendment was adopted; and the bill (House, No. 1589, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

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

At twenty-seven minutes after eleven o'clock A.M., on motion of Mrs. Poirier of North Attleborough (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M.

Tuesday, July 27, 2010.

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

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

Prayer.

God, our Creator, in prayer we open our hearts and minds to You and Your ways. May Your gifts of wisdom, truth and inner peace be with us at all times. We look to You for the courage to make objective and reasoned decisions and the intellectual and moral strength to remain true to our ideals, goals and values. In these busy and stressful times, teach us, on occasion, to pause for a moment to evaluate our priorities, direction and the purpose of our daily lives. As the formal legislative sessions come to a close, we are grateful for our accomplishments in these difficult economic and political times. We realize that we cannot address in a satisfactory manner all the concerns and public policy issues of the electorate. With Your help and guidance we can simply try to do our best.

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.

Statement Concerning Representative Atsalis of Barnstable.

A statement of Mr. Vallee of Franklin concerning Mr. Atsalis of Barnstable was spread upon the records of the House, as follows

Statement concerning Mr. Atsalis of Barnstable.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Atsalis of Barnstable, is unable to be present in the House Chamber for today's sitting because he is attending the funeral of his father-in-law, Veine Bengtssan, in Sweden. His missing of roll calls today or for the next several days will be due entirely to the reason stated.

Resolutions.

Poland,—visa program.

Resolutions (filed with the Clerk by Mr. Scibak of South Hadley) memorializing the Congress of the United States to take immediate action to make the Republic of Poland ineligible for the United States Department of State's Waiver Visa Program, were referred, under Rule 85, to the committee on Rules.

Mr. Binienda of Worcester, for said committee, reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Scibak, 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 Representative Fernandes of Milford and Senator Moore, a joint petition (accompanied by bill House, No. 4936) of John V. Fernandes and Richard T. Moore (by vote of the town) that the town of Milford be authorized to issue a license for the sale of wines and malt beverages to be drunk on the premises to Tanglewood Drive, LLC. Milford,— liquor license.

By Representative Fernandes of Milford and Senator Moore, a joint petition (accompanied by bill House, No. 4937) of John V. Fernandes and Richard T. Moore (by vote of the town) for legislation to authorize the town of Milford to grant a license for the sale of all alcoholic beverages not to be drunk on the premises to Paul J. Moffi. Id.

By Representative Fernandes of Milford and Senator Moore, a joint petition (accompanied by bill House, No. 4938) of John V. Fernandes and Richard T. Moore (by vote of the town) that the town of Milford be authorized to issue a license for the sale of wines and malt alcoholic beverages not to be drunk on the premises to Tyco, Inc. Id.

Severally to the committee on Consumer Protection and Professional Licensure.

By Mr. Koczera of New Bedford, a petition (accompanied by bill House, No. 4939) of Robert M. Koczera (by vote of the town) that employees of the department of public works in the town of Acushnet be exempt from the civil service law. To the committee on Public Service. Acushnet,— employees.

Sent to the Senate for concurrence.

Papers from the Senate.

The Senate Bill relative to comprehensive siting reform for land based wind projects (Senate, No. 2260, 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 4886) with further amendments inserting before section 1 (as published) the following section Land based wind projects,— siting reform.

"SECTION 1. This act shall be construed in a manner to achieve its public purposes, which are to encourage the development of clean, renewable, electric generating plants and ancillary facilities powered by wind, ensure that such facilities are sited in appropriate locations based on clear, predictable and protective environmental, cultural and historic resource standards and streamline the permitting of such facilities at the state and local level and reduce delays associated with appeals of such permits.";

In section 1 (as published), in line 3, striking out the word "department" (inserted by amendment by the House), the second time it appears, and inserting in place thereof the word "division" (stricken out by amendment by the House);

Inserting after section 1 (as published) the following three sections:

"SECTION 2A. Said section 10 of said chapter 25A, as so appearing, is hereby amended by striking out, in lines 22 and 23, the words 'or other local governmental body' and inserting in place thereof the following words:— , other local governmental body or other local governmental bodies acting jointly on a regional basis.

Land based wind projects,— siting reform.

SECTION 2B. Said section 10 of said chapter 25A, as so appearing, is hereby further amended by inserting after the word 'locations', in lines 27 and 28, the following words:— within the municipality, other local governmental body or other local governmental bodies acting jointly on a regional basis.

SECTION 2C. Said section 10 of said chapter 25A, as so appearing, is hereby further amended by inserting after the word 'municipality', in lines 29, 42 and 43, each time it appears, the following words:— , other local governmental body or other local governmental bodies acting jointly on a regional basis.";

In section 3 (as published), in line 17, striking out the word "division" (inserted by the House committee on Bills in the Third Reading) and inserting in place thereof the words "energy facilities siting board";

In line 24, striking out the words "local governmental body" and inserting in place thereof the word "municipality";

In lines 26 to 29, inclusive, striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

" 'Regional planning agency', an agency with regulatory authority to issue permits, licenses or other governmental approvals for particular land uses within its jurisdiction.";

In line 31, striking out the words ", test towers";

In line 45, striking out the following "sections 4 and 69V of chapter 25D" (as changed by the House committee on Bills in the Third Reading) and inserting in place thereof the following "section 69V and section 4 of chapter 25D. The siting of offshore wind facilities shall be governed by the integrated ocean management plan established under section 4C of chapter 21A";

In line 84, inserting after the word "Association" the words "; provided, however, that the same municipal official may not serve on the energy facilities siting board and the advisory group established in this subsection";

In line 91, inserting after the word "megawatts" the words "or related test towers";

In line 92, inserting after the word "facility" the words "or related test towers";

In line 96, striking out the words "clerk of the local governmental body" and inserting in place thereof the words "city or town clerk";

In lines 98 and 163, striking out the word "division" (inserted by the House committee on Bills in the Third Reading) and inserting in place thereof, in each instance, the words "energy facilities siting board";

In line 191, striking out the words "Notwithstanding the provisions of any other law to the contrary," (inserted by amendment by the House);

In line 192 striking out the word "If" and inserting in place thereof the words "Notwithstanding any general or special to the contrary, if";

In lines 225, 226 and 227, striking out subsection (k) (inserted by amendment by the House); and

In line 249, inserting after the word "regulations." the following three sentences "The energy facilities siting board may retain said fees for the purpose of reviewing applications to construct wind energy facilities. Any remaining balances of said fees at the end of a fiscal

year shall not revert to the General Fund, but instead shall be available to the energy facilities siting board during the following fiscal year for the purposes set forth in sections 69U to 69X, inclusive. Nothing in this section shall change the level or use of siting fees for any other type of facility subject to section 69J½ of this chapter.";

In section 4, in lines 277 to 281, inclusive, striking out the paragraph contained in those lines;

In lines 283 to 287, inclusive, striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

" 'Regional planning agency', an agency with regulatory authority to issue permits, licenses or other governmental approvals for particular land uses within its jurisdiction.";

In line 301, striking out the words "local governmental bodies" and inserting in place thereof the word "municipalities";

In lines 302, 304, 332, 385, 388 and 390, striking out the words "local governmental body" and inserting in place thereof, in each instance, the word "municipality";

In line 305, striking out the word "may" and inserting in place thereof the word "shall";

In line 307, inserting after the word "chapter" the following sentence "In all other municipalities, the municipality may establish a wind energy permitting board.";

In lines 308 to 314, inclusive, striking out the two sentences contained in those lines and inserting in place thereof the following three sentences "A wind energy permitting board established under section 2 may be composed of 3 or 5 members appointed by the city manager in the case of a city under a Plan E form of government, the mayor in the case of all other cities or the board of selectmen in the case of a town. A 3 member board shall consist of 1 member of the zoning board of appeals, 1 representative of the conservation commission, if any, and 1 member of the planning board. A 5 member board shall consist of 2 members of the conservation commission, 1 member from the zoning board of appeals and 2 members from the planning board.";

In line 359, and also in lines 406 and 407, striking out the words "clerk of the local governmental body" and inserting in place thereof, in each instance, the words "city or town clerk"; and

In line 361, striking out the word "application" and inserting in place thereof the words "complete application or from the date the applicant elects to proceed on the information provided";

In section 9, in line 454, striking out the figure "2" and inserting in place thereof the figure "1"; and

In line 468, after the word "promulgated", striking out the words "by the division of green communities" (inserted by the House committee on Bills in the Third Reading); and

In section 14, in line 476, after the word "Commonwealth.", striking out the following sentence "The permitting process contained in chapter 25D of the General Laws or sections 69U to 69W, inclusive, of chapter 164 of the General Laws shall not apply to projects that will have an adverse effect on properties that are listed or eligible for listing in the National or State Registers of Historic Places." (inserted by amendment by the House).

Land based wind projects,—siting reform.

Under suspension of the rules, on motion of Mr. Finegold of Andover, the further amendments were considered forthwith. The House then non-concurred with the Senate in its further amendments; and, on further motion of the same member, asked for a committee of conference on the disagreeing votes of the two branches. Representatives Finegold, Kane of Holyoke and Peterson of Grafton were appointed the committee on the part of the House. Sent to the Senate to be joined.

Health care,—cost containment.

The Senate Bill to promote cost containment, transparency and efficiency in the provision of quality health insurance for individuals and small businesses (Senate, No. 2447), 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 4924).

Committee of conference.

The bill bore the further endorsement that the Senate had appointed a committee of conference on the disagreeing votes of the two branches; and that Senators Montigny, Chandler and Knapik had been appointed the committee on the part of the Senate.

Id.

On motion of Mr. Mariano of Quincy, the House insisted on its amendment; and, on further motion of the same member, concurred with the Senate in the appointment of a committee of conference. Representatives Mariano of Quincy, Walsh of Lynn and Barrows of Mansfield then were appointed the committee on the part of the House. Sent to the Senate to be noted.

Plymouth,—land transfer.

The House Bill relative to a transfer of land in the town of Plymouth (House, No. 4264, amended), came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1 adding the following sentence "The Commonwealth, acting by and through the department of conservation and recreation, and the Wildlands Trust of Southeastern Massachusetts, Inc. may release a portion of the conservation restriction granted to them by the town of Plymouth by an instrument dated June 23, 2006, and recorded in the Plymouth county registry of deeds in book 33062, pages 261-283 on the parcel of land to be conveyed pursuant to this act.".

Under suspension of Rule 35, on motion of Mr. deMacedo of Plymouth, 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.

UMass,—police.

The House Bill relative to the police department of the University of Massachusetts (House, No. 4409), came from the Senate passed to be engrossed, in concurrence, with amendments in section 1, in line 4, inserting after the word "officers" the words ", environmental law enforcement officers"; in section 2, in line 7; and also in section 3, in lines 9 and 10, inserting before the words "the University of Massachusetts", in each instance, the words ", the office of environmental law enforcement,".

Under suspension of Rule 35, on motion of Mr. Donelan of Orange, 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.

Bills

Exempting a certain structure from certain harbor lines in South Boston section of the city of Boston (Senate, No. 2071, amended in line 5 by striking out the words "together with walkways and a docking facility to be located in whole or in part" and inserting in place thereof the words "or a floating barge secured by piles, together with walkways and a docking facility, to be located in whole or in part") (on a petition); South Boston,—Peninsula Yacht Club.

Relating to the Medical Professional Mutual Insurance Company (Senate, No. 2385) (on a petition); Medical Insurance.

Authorizing certain changes in the lease of a certain parcel of land in the town of Greenfield (Senate, No. 2481) (on a petition); Greenfield,—land.

Providing for the public inspection of records made or received by special state police officers at educational institutions (Senate, No. 2487) (on Senate, No. 1421); Special police,—records.

Establishing the fire prevention regulations appeals board (Senate, No. 2570) (on Senate bill No. 983); and Fire prevention appeals.

Authorizing the Division of Capital Asset Management and Maintenance to lease certain land in the town of Spencer to the Worcester County 4H Center (Senate, No. 2571) (on Senate bill No. 1402); Spencer,—land.

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

The Senate Bill clarifying the term "warehouse or other storage facility" (Senate, No. 1791) (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. Warehouse,—clarify.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2572) of Diane Van Der Meer for legislation relative to homeowners insurance coverage and toxic drywall. To the committee on Financial Services. Insurance,—toxic drywall.

Petition (accompanied by bill, Senate, No. 2573) of Sonia Chang-Diaz and Elizabeth A. Malia for legislation to provide for the disposition of the Commonwealth owned land in the city of Boston. To the committee on State Administration and Regulatory Oversight. Boston,—land transfer.

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 a joint petition of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) relative to authorizing the town of Hingham to become a permanent member of the Massachusetts Water Resources Authority. Under suspension of the rules, on motion of Ms. Dykema of Holliston, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Environment, Natural Resources and Agriculture. Sent to the Senate for concurrence. Hingham,—MWRA membership.

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 a joint petition of Peter V. Kocot and Edward Driscoll,—sick leave bank.

Stanley C. Rosenberg for legislation to establish a sick leave bank for Edward Driscoll, an employee of the Trial Court. Under suspension of the rules, on motion of Mr. Rushing 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.

Harwich,—liquor licenses.

Report 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. 4586) of Sarah K. Peake and Robert A. O' Leary (by vote of the town) that the town of Harwich be authorized to issue three additional licenses for the sale of all alcoholic beverages to be drunk on the premises.

Under suspension of the rules, on a motion of Ms. Peake of Provincetown, the report was considered forthwith. Pending the question on acceptance of the report, the petition was recommitted, on further motion of the same member.

Engrossed Bills.

Engrossed bills

Bills enacted.

Exempting the office of deputy chief of police in the town of Rockland from the civil service law (see Senate, No. 2475) (which originated in the Senate);

Authorizing the Dukes County contributory retirement system to grant certain retirement benefits (see House, No. 4174);

Establishing a road maintenance revolving account in the town of Brewster (see House, No. 4495); and

Relative to seawalls in the town of Duxbury (see House, No. 4655);

(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 it were signed by the acting Speaker and sent to the Senate.

Motion to Reconsider.

Motion to reconsider.

Mr. Pedone of Worcester moved that the vote be reconsidered by which the House, at the preceding sitting, passed to be engrossed the House Bill relative to the protection of children (House, No. 1589, amended); and the motion to reconsider prevailed.

Pending the recurring question on passing the bill to be engrossed, the same member moved that the vote be reconsidered by which the House, at said sitting, adopted an amendment (offered by Mr. Driscoll of Braintree and him) adding two sections; and that motion to reconsider also prevailed. On the recurring question, the amendment was rejected.

The bill (House, No. 1589) then was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

Recess.

At a quarter after eleven o'clock A.M., on motion of Mr. Sciortino of Medford (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at twenty-one minutes before two o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Engrossed Bill — Land Taking.

The engrossed Bill relative to certain easements in the town of Andover (see House, No. 4318) (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.

Andover,— easements.

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.

Bill enacted (land taking),— yea and nay No. 457.

[See Yea and Nay No. 457 in Supplement.]

Therefore the bill 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 House Bill relative to Plimoth Plantation (House, No. 4510) was discharged from its position in the Orders of the Day and read a second time forthwith, under suspension of Rule 47, on motion of Mr. Kafka of Stoughton; and it was ordered to a third reading.

Plimoth Plantation.

Subsequently, under suspension of the rules, on motion of Mr. Pedone of Worcester, 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.

The House Bill authorizing the Division of Capital Asset Management and Maintenance to transfer care and control of certain land in Boston (House, No. 4778) was discharged from its position in the Orders of the Day and read a second time forthwith, under suspension of Rule 47, on motion of Mr. Kafka of Stoughton; and it was ordered to a third reading.

Boston,— land.

Subsequently, under suspension of the rules, on motion of Mr. Pedone of Worcester, 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 authorizing the Division of Capital Asset Management and Maintenance to transfer the control of certain land in the city of Boston.". Sent to the Senate for concurrence.

The House Bill to convey certain Commonwealth property consisting of the waters of Farm Pond, its tributaries, and water distribution system to the town of Sherborn (House, No. 4783) was discharged from its position in the Orders of the Day and read a second time forthwith, under suspension of Rule 47, on motion of Mr. Kafka of Stoughton; and it was ordered to a third reading.

Sherborn,— Farm Pond.

Subsequently, under suspension of the rules, on motion of Mr. Pedone of Worcester, 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 conveying certain property to the town of Sherborn.". Sent to the Senate for concurrence.

Tewksbury,—land.

The House Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land to the town of Tewksbury for recreational and open space purposes (House, No. 4822) was discharged from its position in the Orders of the Day and read a second time forthwith, under suspension of Rule 47, on motion of Mr. Kafka of Stoughton; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Pedone of Worcester, 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 authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land to the town of Tewksbury.". Sent to the Senate for concurrence.

Cambridge,—land.

The House Bill authorizing the city of Cambridge to grant a permanent easement on and over certain strips of land owned by the city of Cambridge in Watertown, Massachusetts (House, No. 4874) was discharged from its position in the Orders of the Day and read a second time forthwith, under suspension of Rule 47, on motion of Mr. Kafka of Stoughton; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Pedone of Worcester, 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 authorizing the city of Cambridge to grant a permanent easement on and over certain strips of land owned by the city of Cambridge in the city of Watertown.". Sent to the Senate for concurrence.

Cambridge,—land.

The House Bill authorizing the grant of easements upon land of the Commonwealth located in the city of Cambridge (House, No. 4875) was discharged from its position in the Orders of the Day and read a second time forthwith, under suspension of Rule 47, on motion of Mr. Kafka of Stoughton; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Pedone of Worcester, 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 authorizing the granting of easements upon land of the Commonwealth located in the city of Cambridge.". Sent to the Senate for concurrence.

The following bills (having been reported by the committee on Bills in the Third Reading to be correctly drawn) were discharged from their position in the Orders of the Day and read a third time forthwith, under suspension of Rule 47, in each instance, on motion of Mr. Pedone of Worcester:

Scrap dealers.

Relative to scrap metal dealers (House, No. 328, changed);

Inhalants.

Relative to inhalant abuse (House, No. 4254);

Prices.

Relative to price adjustment (House, No. 4508);

Authorizing the city of Boston parks and recreation commission to lease certain real property under its control and owned by the city of Boston (House, No. 4663); and

Boston,—parks, etc.

Authorizing the city of Beverly to convey certain land located in the city of Beverly (House, No. 4905);

Beverly,—land.

And they severally were passed to be engrossed. Severally sent to the Senate for concurrence.

The House Bill relative to the registration and inspection of street rods and custom vehicles (House, No. 4871), reported by the committee on Bills in the Third Reading to be correctly drawn, was discharged from its position in the Orders of the Day and read a third time forthwith, under suspension of Rule 47, on motion of Mr. Pedone of Worcester.

Street rods and custom vehicles.

Pending the question on passing the bill to be engrossed, the same member moved to amend it in section 1, in line 8, by striking out the words "or 'year of manufacture'", and, in lines 18 and 20, by striking out the word "replicas" and inserting in place thereof, in each instance, the words "replica vehicles"; and in section 3, in lines 38 to 52, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

"Street rods and custom vehicles, as defined and registered pursuant to section 2H of chapter 90, shall receive an emissions waiver certificate. Specially constructed vehicles and replica vehicles, as defined and registered pursuant to section 2H of chapter 90, which are registered on or before June 30, 2011, shall receive an emissions waiver certificate. Specially constructed vehicles and replica vehicles, as so defined, registered after June 30, 2011 shall be subject to emission control requirements based on the model year and configuration of the engine installed in the specially constructed or replica vehicle, whether the engine is an original equipment manufacturer's production engine, rebuilt engine or crate engine. Regulations relative to emissions compliance for replica or specially constructed vehicles registered after June 30, 2011 may establish maximum limits on the annual number of vehicle miles traveled by these vehicles; provided, however, that the limit on the annual number of vehicle miles traveled shall not be less than 3,000 miles per year. If the model year of the engine installed in the specially constructed or replica vehicle requires an onboard diagnostic system, the vehicle shall be subject to an onboard diagnostic system emissions test applicable to the certified configuration, including any exclusions or exemptions otherwise granted to that certified configuration.".

The amendments were adopted; and the bill (House, No. 4871, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The following 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. Kafka of Stoughton:

Senate bills

Establishing a linkage extraction program in the city of Gloucester (Senate, No. 100);

Gloucester,—linkage.

Hazardous sites.

Authorizing municipalities to petition for public involvement plans in hazardous materials sites (Senate, No. 418);

Somerville,— deputy chief.

Exempting the position of deputy chief of police in the city of Somerville from the civil service law (Senate, No. 2263);

Great Barrington.

Exempting the position of chief of police of the town of Great Barrington from the civil service law (Senate, No. 2332);

Vehicle deaths.

Authorizing the warrantless arrest for reckless or negligent operation that results in serious bodily injury or death (Senate, No. 2472); and

Volunteer dentistry.

Relative to certain temporary registrations and volunteer dentistry (Senate, No. 2567); and

House bills

East Bridgewater.

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

Westborough,— liquor license.

Authorizing the town of Westborough to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4736);

Littleton.

Relative to the town of Littleton Electric Light Department (House, No. 4741);

Pepperell,— ballot question.

Authorizing the placement of a certain question on the ballot to be used at the November 2010 biennial state election in the town of Pepperell relative to the sale of all alcoholic beverages (House, No. 4846);

North Adams,— debt.

Authorizing the city of North Adams to use reserve funds to reduce debt (House, No. 4851); and

Hopkinton.

Validating the actions taken at a certain town election in the town of Hopkinton (printed in House, No. 4893);

And they severally were ordered to a third reading.

Somerville,— land.

The Senate Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the city of Somerville to the Somerville housing authority (Senate, No. 2286, amended) was discharged from its position in the Orders of the Day and read a second time forthwith, under suspension of Rule 47, on motion of Mr. Kafka of Stoughton. The amendments recommended by the committee on Ways and Means,— that the bill be amended in lines 2, 3 and 4, by striking out the following “, notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws, may convey by deed approved as to form by the inspector general” and inserting in place thereof the following “ and the Metropolitan Water Resources Authority, may convey, notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws, by deed”, and by adding the following section:

“SECTION 5. The use of the parcel shall be restricted to the development and operation of affordable senior housing pursuant to section 2. In the event the property ceases to be used for such purpose, title to the property shall, after the provision of notice and an opportunity to cure from the commonwealth, revert to the commonwealth.”,— were adopted.

The bill (Senate, No. 2286, amended) then was ordered to third reading.

Affordable health insurance.

The House Bill increasing access to affordable health insurance coverage (printed as Senate, No. 455) was discharged from its position

in the Orders of the Day and read a second time forthwith, under suspension of Rule 47, on motion of Mr. Kafka of Stoughton.

The amendment recommended by the committee on Health Care Financing,— that the bill be amended by substitution of a bill with the same title (House, No. 4799),— was adopted; and the substituted bill was ordered to a third reading.

Salisbury,— land

The House Bill conveying land to the town of Salisbury (House, No. 634) was discharged from its position in the Orders of the Day and read a second time forthwith, under suspension of Rule 47, on motion of Mr. Kafka of Stoughton.

The amendment recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4929),— was adopted; and the substituted bill was ordered to a third reading.

Connecticut River,— rowing facility.

The House Bill relative to the Connecticut River Rowing Facility (House, No. 3145) was discharged from its position in the Orders of the Day and read a second time forthwith, under suspension of Rule 47, on motion of Mr. Kafka of Stoughton.

The amendment previously recommended by the committee on Bonding, Capital Expenditures and State Assets,— that the bill be amended by substitution of a bill with the same title (House, No. 4765),— was rejected.

The amendment recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4930),— then was adopted; and the substituted bill was ordered to a third reading.

System-involved girls,— programs.

The House Bill establishing a special commission on gender-responsive programming for system-involved girls (House, No. 3418) was discharged from its position in the Orders of the Day and read a second time forthwith, under suspension of Rule 47, on motion of Mr. Kafka of Stoughton.

Pending the question on adoption of the amendment recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4931),— Mr. Jones of North Reading moved to amend it in line 17 by striking out the figures "20" and inserting in place thereof the figures "22", and in line 20 by inserting after the words "commission" the following "; 1 person appointed by the minority leader of the house of representatives; 1 person appointed by the minority leader of the senate". The further amendments were adopted.

The amendment recommended by the committee on Ways and Means, as amended, then also was adopted; and the substituted bill (House, No. 4931, amended) was ordered to a third reading.

Hull,— land.

The House Bill relative to the use of buildings and park land in the town of Hull for development purposes (House, No. 3666) was discharged from its position in the Orders of the Day and read a second time forthwith, under suspension of Rule 47, on motion of Mr. Kafka of Stoughton.

Hull,— land.

The amendment recommended by the committee on Ways and Means,— that the bill be amended by substitution of a Bill authorizing the Division of Capital Asset Management and Maintenance to lease certain Nantasket Beach reservation buildings and park land in the town of Hull for development purposes (House, No. 4932),— was adopted; and the substituted bill was ordered to a third reading.

Cambridge,— North Point Park land.

The House Bill authorizing the Department of Conservation and Recreation to enter into a certain lease (House, No. 4482) was discharged from its position in the Orders of the Day and read a second time forthwith, under suspension of Rule 47, on motion of Mr. Kafka of Stoughton.

The amendments recommended by the committee on Ways and Means,— that the bill be amended in line 31 by striking out the following "Urban Parks trust, established under section 1 of chapter 132A of the General Laws" and inserting in place thereof the words "General Fund"; and in line 54 by inserting after the word "of" the words "equal or",— were adopted.

The bill (House, No. 4482, amended) then was ordered to a third reading.

Hingham,— lease.

The House Bill authorizing a ground lease of land owned by the Department of Conservation and Recreation for conservation and recreation purposes in the town of Hingham (House, No. 4823) was discharged from its position in the Orders of the Day and read a second time forthwith, under suspension of Rule 47, on motion of Mr. Kafka of Stoughton.

The amendment recommended by the committee on Ways and Means,— that the bill be amended in lines 29 and 30 by striking out the following "a minimum 3,285 gross square feet" and inserting in place thereof the word "space",— was adopted. The bill (House, No. 4823, amended) then was ordered to a third reading.

Iran,— pension divestment.

The House Bill relative to pension divestment in the Republic of Iran (House, No. 4297) was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Kafka of Stoughton.

Pending the question on passing the bill to be engrossed, Ms. Provost of Somerville moved to amend it by striking out section 7 and inserting in place thereof the following section:

"SECTION 7. This act shall take effect upon written communication from the President of the United States declaring that this act is compatible with the conduct of the United States' foreign policy.".

Quorum.

After remarks on the question on adoption of the amendment, Mr. Sciortino of Medford asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,— yea and nay No. 458.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 145 members were recorded as being in attendance.

[See Yea and Nay No. 458 in Supplement.]

Therefore a quorum was present.

Subsequently a statement of Ms. Gregoire of Marlborough was spread upon the records of the House, as follows:

Statement of Ms. Gregoire of Marlborough.

MR. SPEAKER: During the taking of the above quorum roll call, I was absent from the House Chamber on official business in another part of the State House, and was not notified that a quorum roll call was in progress.

Amendment rejected,—yea and nay No. 459.

After debate on the question on adoption of the amendment, the sense of the House was take by yeas and nays at the request of Ms. Provost of Somerville; and on the roll call 19 members voted in the affirmative and 134 in the negative.

[See Yea and Nay No. 459 in Supplement.]

Therefore the amendment was rejected.

Mr. Cabral of New Bedford then moved to amend the bill by in section 3, in line 56, by striking out the figure "6" and inserting in place thereof the figure "5"; and the amendment was adopted.

Bill passed to be engrossed,—yea and nay No. 460.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was take by yeas and nays as had been previously requested by Mr. Spellane of Worcester; and on the roll call 135 members voted in the affirmative and 15 in the negative.

[See Yea and Nay No. 460 in Supplement.]

[Representatives Conroy of Wayland, Grant of Beverly, Keenan of Salem and Peisch of Wellesley answered "Present" in response to their names.]

Therefore the bill (House, No. 4297, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Reports of Committees.

Neighborhoods.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill to stabilize neighborhoods (Senate, No. 2407) 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 4934.

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

The amendment recommended by the committee on Ways and Means then was adopted; and the bill, as amended, was ordered to a third reading.

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

Quorum.

After remarks on the question on passing the bill, as amended, to be engrossed, in concurrence, the same member asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,—yea and nay No. 461.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call (the Speaker being in the Chair) 149 members were recorded as being in attendance.

[See Yea and Nay No. 461 in Supplement.]

Therefore a quorum was present.

Neighborhoods.

After remarks on the question on passing the bill, as amended, to be engrossed, in concurrence (Mr. Petrolati of Ludlow being in the Chair),— Mr. Turner of Dennis moved to amend the bill in section 6, in line 134, inserting after the word "sent." the following sentence "This requirement shall be satisfied if the foreclosing owner or someone acting on his behalf has posted in a prominent location in the building, mailed by first class mail to each unit, and slid under the door of each unit in the building a document stating the names, addresses, telephone numbers and telephone contact information of the foreclosing owner, the building manager or other representative of the foreclosing owner responsible for the management of such building and stating the address to which rent and use and occupancy charges shall be sent.".

The amendment was adopted.

Ms. Wolf of Cambridge then moved to amend the bill in section 3, in line 43, by inserting after the word "counseling" the following two sentences "In the case where the mortgagor cannot access in-person counseling, he or she may request distance counseling. Such request must be approved by the third party organization as being adequate and effective to promote the best interest of the mortgagor.". The amendment was rejected.

Representatives Balser of Newton and Khan of Newton then moved to amend the bill in section 7, in lines 215 to 229, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

"(b) Any mortgagor of residential property shall have a 150-day right to cure a default of a required payment as provided in the residential mortgage or note secured by the residential property by full payment of all amounts that are due without acceleration of the maturity of the unpaid balance of the mortgage; provided, however, that if a creditor certifies (i) that it has engaged in a good faith effort to negotiate and agree upon a commercially reasonable alternative to foreclosure as described in subsection (c); (ii) that its good faith effort has involved at least 1 mediation session between a creditor's representative with authority to agree to a settlement and the borrower and the borrower's attorney or borrower's representative; and (iii) after such mediation session the borrower and the creditor were not successful in resolving their dispute, then the creditor may begin foreclosure proceedings after a right to cure period lasting 90 days. Mediation sessions shall be conducted by a neutral third party mediator working under a court-approved mediation provider. Not more than five days after the conclusion of the mediation, the mediator shall provide a report to both parties describing the proceedings and specifying the issues resolved, if any, and any issues not resolved pursuant to the mediation. The reasonable cost of mediation shall be paid for by the parties, provided that the portion of the cost borne by the borrower shall be based on the borrower's ability to pay, and provided also that the Attorney General shall, from time to time, establish the reasonable cost of mediation to be paid by the creditor and that such cost may include appropriate administrative costs including, without limitation, anticipated or actual costs to implement this subsection. A borrower who fails to respond within 60 days to any mailed communications offering to negotiate and agree upon commercially reasonable alternative to foreclosure sent via

certified and first class mail from the lender forfeits the right to a 150-day right to cure period and shall be subject to a right to cure period lasting said 90 days. Nothing in this section shall prohibit the borrower from affirmatively selecting a 150-day right to cure period instead of attending a mediation session with the creditor to negotiate and agree upon a commercially reasonable alternative to foreclosure. The right to cure a default of a required payment shall be granted once during any 3 year period, regardless of mortgage holder.", in line 239, by striking out the following "meeting, telephone conversation or meeting pursuant to subsection (b)" and inserting in place thereof the following "the mediation session pursuant to subsection (b)", and in lines 253 to 261, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

"(f) Prior to the conclusion of the right to cure period the creditor shall certify compliance with this section in an affidavit listing the time and place of the mediation, parties participating, relief offered to the borrower, the creditors' net present value analysis and inputs of the analysis and certify that the modification or any option offered complies with current federal law or policy, and the creditor shall attach a copy of the mediator's report provided to the parties pursuant to subsection (b). The creditor shall provide a copy of the affidavit to the homeowner and also file a copy of the affidavit with the land court in advance of initiating any foreclosure.".

The amendments were rejected.

Bill passed to be engrossed,—yea and nay No. 462.

On the question on passing the bill, as amended, to be engrossed, in concurrence, the sense of the House was take by yeas and nays at the request of Mr. Honan of Boston; and on the roll call 155 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 462 in Supplement.]

Therefore the bill (Senate, No. 2407, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment.

Autism,—insurance coverage.

By Mr. Murphy of Burlington, for the committee on Ways and Means, on House, No. 3809, a Bill relative to insurance coverage for autism (House, No. 4935). 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 Ms. L'Italien of Andover, the bill was read a second time forthwith. Pending the question on ordering the bill to a third reading, the same member moved to amend it in section 1, in line 74, by inserting after the word "section." the following seven paragraphs:

"(g) An insurer, corporation or health maintenance organization shall be exempt for a period of 3 years from the requirement to provide coverage for habilitative or rehabilitative care required under this section and not covered by the insurer, corporation or health maintenance organization as of December 31, 2010, if:

(1) an actuary, affiliated with the insurer, corporation or health maintenance organization certifies in writing to the commissioner of insurance that:

Autism,—insurance coverage.

(i) based on an analysis to be completed not more than once annually by each insurer, corporation or health maintenance organization for the most recent experience period of at least 1 year's duration, the annual costs associated with coverage of habilitative or rehabilitative care required under this section, and not covered as of December 31, 2010, exceeded 1 per cent of the premiums charged over the experience period by the insurer, corporation or health maintenance organization;

(ii) those costs solely would lead to an increase in average premiums charged of more than 1 per cent for all insurance policies, subscription contracts or health care plans commencing on inception or the next renewal date, based on the premium rating methodology and practices the insurer, corporation or health maintenance organization employs; and

(iii) the commissioner of insurance approves the certification of the actuary.

(2) An exemption allowed under paragraph (1) shall apply for a 3 year coverage period following inception or next renewal date of all insurance policies, subscription contracts or health care plans issued or renewed during the 1-year period following the date of the exemption, after which the insurer, corporation or health maintenance organization shall again provide coverage for habilitative or rehabilitative care required under this section.

(3) Notwithstanding the exemption allowed under paragraph (1) of this subsection, an insurer, corporation or health maintenance organization may elect to continue to provide coverage for habilitative or rehabilitative care required under this section."; in section 2, in line 151, by inserting after the word "section." the following seven paragraphs:

"(g) An insurer, corporation or health maintenance organization shall be exempt for a period of 3 years from the requirement to provide coverage for habilitative or rehabilitative care required under this section and not covered by the insurer, corporation or health maintenance organization as of December 31, 2010, if:

(1) an actuary, affiliated with the insurer, corporation or health maintenance organization certifies in writing to the commissioner of insurance that:

(i) based on an analysis to be completed not more than once annually by each insurer, corporation or health maintenance organization for the most recent experience period of at least 1 year's duration, the annual costs associated with coverage of habilitative or rehabilitative care required under this section, and not covered as of December 31, 2010, exceeded 1 per cent of the premiums charged over the experience period by the insurer, corporation or health maintenance organization;

(ii) those costs solely would lead to an increase in average premiums charged of more than 1 per cent for all insurance policies, subscription contracts or health care plans commencing on inception or the next renewal date, based on the premium rating methodology and practices the insurer, corporation or health maintenance organization employs; and

(iii) the commissioner of insurance approves the certification of the actuary.

(2) An exemption allowed under paragraph (1) shall apply for a 3 year coverage period following inception or next renewal date of all insurance policies, subscription contracts or health care plans issued or renewed during the 1-year period following the date of the exemption, after which the insurer, corporation or health maintenance organization shall again provide coverage for habilitative or rehabilitative care required under this section.

(3) Notwithstanding the exemption allowed under paragraph (1) of this subsection, an insurer, corporation or health maintenance organization may elect to continue to provide coverage for habilitative or rehabilitative care required under this section."; in section 3, in line 226, by inserting after the word "section." the following seven paragraphs:

"(g) An insurer, corporation or health maintenance organization shall be exempt for a period of 3 years from the requirement to provide coverage for habilitative or rehabilitative care required under this section and not covered by the insurer, corporation or health maintenance organization as of December 31, 2010, if:

(1) an actuary, affiliated with the insurer, corporation or health maintenance organization certifies in writing to the commissioner of insurance that:

(i) based on an analysis to be completed not more than once annually by each insurer, corporation or health maintenance organization for the most recent experience period of at least 1 year's duration, the annual costs associated with coverage of habilitative or rehabilitative care required under this section, and not covered as of December 31, 2010, exceeded 1 per cent of the premiums charged over the experience period by the insurer, corporation or health maintenance organization;

(ii) those costs solely would lead to an increase in average premiums charged of more than 1 per cent for all insurance policies, subscription contracts or health care plans commencing on inception or the next renewal date, based on the premium rating methodology and practices the insurer, corporation or health maintenance organization employs; and

(iii) the commissioner of insurance approves the certification of the actuary.

(2) An exemption allowed under paragraph 1 of this subsection shall apply for a 3 year coverage period following inception or next renewal date of all insurance policies, subscription contracts or health care plans issued or renewed during the 1-year period following the date of the exemption, after which the insurer, corporation or health maintenance organization shall again provide coverage for habilitative or rehabilitative care required under this section.

(3) Notwithstanding the exemption allowed under paragraph (1) of this subsection, an insurer, corporation or health maintenance organization may elect to continue to provide coverage for habilitative or rehabilitative care required under this section."; in section 4, in line 302, by inserting after the word "section." the following seven paragraphs:

"(g) An insurer, corporation or health maintenance organization shall be exempt for a period of 3 years from the requirement to provide coverage for habilitative or rehabilitative care required under this section and not covered by the insurer, corporation or health maintenance organization as of December 31, 2010, if:

Autism,—insurance coverage.

(1) an actuary, affiliated with the insurer, corporation or health maintenance organization certifies in writing to the commissioner of insurance that:

(i) based on an analysis to be completed not more than once annually by each insurer, corporation or health maintenance organization for the most recent experience period of at least 1 year's duration, the annual costs associated with coverage of habilitative or rehabilitative care required under this section, and not covered as of December 31, 2010, exceeded 1 per cent of the premiums charged over the experience period by the insurer, corporation or health maintenance organization;

(ii) those costs solely would lead to an increase in average premiums charged of more than 1 per cent for all insurance policies, subscription contracts or health care plans commencing on inception or the next renewal date, based on the premium rating methodology and practices the insurer, corporation or health maintenance organization employs; and

(iii) the commissioner of insurance approves the certification of the actuary.

(2) An exemption allowed under paragraph 1 of this subsection shall apply for a 3 year coverage period following inception or next renewal date of all insurance policies, subscription contracts or health care plans issued or renewed during the 1-year period following the date of the exemption, after which the insurer, corporation or health maintenance organization shall again provide coverage for habilitative or rehabilitative care required under this section.

(3) Notwithstanding the exemption allowed under paragraph (1) of this subsection, an insurer, corporation or health maintenance organization may elect to continue to provide coverage for habilitative or rehabilitative care required under this section."; and in section 5, in line 378, by inserting after the word "section." the following seven paragraphs:

"(g) An insurer, corporation or health maintenance organization shall be exempt for a period of 3 years from the requirement to provide coverage for habilitative or rehabilitative care required under this section and not covered by the insurer, corporation or health maintenance organization as of December 31, 2010, if:

(1) an actuary, affiliated with the insurer, corporation or health maintenance organization certifies in writing to the commissioner of insurance that:

(i) based on an analysis to be completed not more than once annually by each insurer, corporation or health maintenance organization for the most recent experience period of at least 1 year's duration, the annual costs associated with coverage of habilitative or rehabilitative care required under this section, and not covered as of December 31, 2010, exceeded 1 per cent of the premiums charged over the experience period by the insurer, corporation or health maintenance organization;

(ii) those costs solely would lead to an increase in average premiums charged of more than 1 per cent for all insurance policies, subscription contracts or health care plans commencing on inception or the next renewal date, based on the premium rating methodology and practices the insurer, corporation or health maintenance organization employs; and

(iii) the commissioner of insurance approves the certification of the actuary.

(2) An exemption allowed under paragraph 1 of this subsection shall apply for a 3 year coverage period following inception or next renewal date of all insurance policies, subscription contracts or health care plans issued or renewed during the 1-year period following the date of the exemption, after which the insurer, corporation or health maintenance organization shall again provide coverage for habilitative or rehabilitative care required under this section.

(3) Notwithstanding the exemption allowed under paragraph (1) of this subsection, an insurer, corporation or health maintenance organization may elect to continue to provide coverage for habilitative or rehabilitative care required under this section.".

The amendments were adopted; and (the Speaker being in the Chair), the bill, as amended, was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Ms. L'Italien of Andover, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and after debate (Mr. Donato of Medford being in the Chair) the bill (House, No. 4935, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills

Relative to the protection of children (see House, No. 1589); and

Authorizing certain Massport employees to receive benefits from the Bayswater environmental program (see House, No. 4511);

(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.

Bills enacted.

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the town of North Andover to amend a certain conservation restriction (see House, No. 4194) (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.

North Andover.

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

Bill enacted (land taking),— yea and nay No. 463.

[See Yea and Nay No. 463 in Supplement.]

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

Recess.

Mr. Donato of Medford being in the Chair,— At a quarter before six o'clock P.M. (Tuesday, July 27), on motion of Mr. Peterson of Grafton, the House recessed until the following day at eleven o'clock A.M.; and at that time the House was called to order with Mr. Donato in the Chair.

Recess.

Wednesday, July 28, 2010 (at 11:00 o'clock A.M.).

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

Prayer.

Gracious God, at the opening of today's legislative session, once again we pause for a moment of reflection and prayer. We also seek Your guidance and Your blessings upon today's deliberations. In the closing days of formal legislative sessions, we continue to struggle to resolve the difficult and sensitive issues which are still before us. Help us to work together in a reasonable, patient and cooperative manner. We all share common goals to meet the needs of the people and the Commonwealth in these uneasy times. By our common sense and united efforts, may we build trust, confidence, hope and good will in the minds of the electorate as they struggle with their own family and employment problems. May our dedication to the common good strengthen the faith of the people in the relevance of our constitutions and traditional philosophical principles and values.

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.

Resolutions.

Hancock Shaker Village.

Resolutions (filed with the Clerk by Messrs. Guyer of Dalton, Pignatelli of Lenox, Bosley of North Adams and Speranzo of Pittsfield) celebrating the Hancock Shaker Village fiftieth anniversary, were referred, under Rule 85, to the committee on Rules.

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

Engrossed Bill.

Bill enacted.

The engrossed Bill relative to the police department of the University of Massachusetts (see House, No. 4409, amended) (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.

Recess.

Recess.

At twelve minutes before twelve o'clock noon (Wednesday, July 28), on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at a quarter after one o'clock the House was called to order with Mr. Donato in the Chair.

Paper from the Senate.

Westford,—land.

The House Bill authorizing the town of Westford to lease a certain parcel of land for camp purposes (House, No. 4662) came from the

Senate passed to be engrossed, in concurrence, with an amendment in section 1, in line 6, inserting after the word "years." the following sentence "The lease, license or rental agreement shall be subject to subsection (s), (b) and (g) of section 16 of chapter 30B of the General Laws.".

Under suspension of Rule 35, on motion of Mr. Arciero of Westford, 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.

Crime,— victims.

The Senate Bill to protect and enhance the rights of child and adult victims and witnesses of crime (Senate, No. 2566, amended by striking out section 1 and inserting in place thereof the following two sections:

"SECTION 1. Section 54 of chapter 119 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word 'sixty-nine', in line 26, the following words:— or the person has committed a violation of section 13B of chapter 268.

SECTION 1A. Section 1 of chapter 258B of the General Laws, as so appearing, is hereby amended by inserting after the word 'delinquency', in line 10, the following words:— or conviction as a youthful offender") (on Senate bill No. 2510), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Reports of Committees.

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

Museums.

Relative to the disposition of museum property (Senate, No. 2402);

Dartmouth,— land.

Authorizing the Commonwealth of Massachusetts to convey a certain parcel of land in the town of Dartmouth (Senate, No. 2553); and

Hoisting law.

Updating the hoisting law (Senate, No. 2564);

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

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

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.

Flea markets,— vendors.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill relative to flea market vendors (Senate, No. 2282, 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 4941. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

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

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

The amendment recommended by the committee on Ways and Means then was adopted; and the bill (Senate, No. 2282, amended) was ordered to a third reading.

Municipalities,— fee exemption.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill exempting towns from certain fees (House, No. 847) ought to pass with an amendment substituting therefore a Bill exempting municipalities from permit application fees under the Massachusetts oil and hazardous material release prevention and response act (House, No. 4942). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

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

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

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

Natural resources,— safeguard.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill safeguarding our natural resources (House, No. 4172) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4943). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

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

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

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

Grafton,— land.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill authorizing the leasing of land in Grafton to the United State Department of Labor and authorizing the conveyance or lease of surplus state-owned properties (House, No. 4892) ought to pass with amendments in lines 46 and 48 by striking out the figure "5" and inserting in place thereof, in each instance, the figure "4". Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendments pending.

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

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

The amendments recommended by the committee on Ways and Means then were adopted; and the bill (House, No. 4892, amended) was ordered to a third reading.

Podiatrists,— registration.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill relative to the registration of podiatrists (House, No. 2044) be scheduled for consideration by the House, 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. 4912),— pending.

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

The amendment recommended by the committee on Health Care Financing then was adopted; and the substituted bill was ordered to a third reading.

College scholarships,—study.

By Mr. Torrisi of North Andover, for the committee on Higher Education, on House, No. 4843, a Bill creating a special commission on college scholarships (House, No. 4940). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Independent contractors.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to independent contractors (House, No. 4748) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4944). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Dual alcohol licensures.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill, relative to limiting certain types of dual alcohol licensures (Senate, No. 169, amended) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Provincetown and Truro,—agreement.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to an intermunicipal agreement between the towns of Provincetown and Truro (House, No. 4873).

Hopkinton,—public works.

By the same member, for the same committee, on a petition, a Bill abolishing the board of public works in the town of Hopkinton (House, No. 4882) [Local Approval Received].

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

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

Somerville,—land.

The Senate Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the city of Somerville to the Somerville housing authority (Senate, No. 2286, 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 the rules, on motion of Mr. Pedone of Worcester; and it was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendments previously adopted by the House.

Ashfield,—validate acts.

The House Bill validating actions taken at a special town election held in the town of Ashfield (printed in House, No. 4612), reported by the committee on Bills in the Third Reading to be correctly drawn, was discharged from its position in the Orders of the Day and read a third time forthwith, under suspension of Rule 47, on motion of Mr. Pedone of Worcester; and it was passed to be engrossed. Sent to the Senate for concurrence.

The following bills (having been reported by the committee on Bills in the Third Reading to be correctly drawn) were discharged from their position in the Orders of the Day and read a third time forthwith, under suspension of the rules, in each instance, on motion of Mr. Pedone of Worcester:

Gloucester.

Establishing a linkage exaction program in the city of Gloucester (Senate, No. 100);

Great Barrington.

Exempting the position of chief of police of the town of Great Barrington from civil service law (Senate, No. 2332); and

Volunteer dentistry.

Relative to certain temporary registrations and volunteer dentistry (Senate, No. 2567);

And they severally were passed to be engrossed, in concurrence.

The following bills (having been reported by the committee on Bills in the Third Reading to be correctly drawn) were discharged from their position in the Orders of the Day and read a third time forthwith, under suspension of the rules, in each instance, on motion of Mr. Pedone of Worcester:

D.C.R.,— lease.

Authorizing the Department of Conservation and Recreation to enter into a certain lease (House, No. 4482, amended);

Hingham,— D.C.R. land.

Authorizing the leasing of a certain of parcel land owned by the Department of Conservation and Recreation in the town of Hingham (House, No. 4823, amended) (its title having been changed by said committee);

Hopkinton,— election.

Validating the actions taken at a certain town election in the town of Hopkinton (printed in House, No. 4893);

Salisbury,— land.

Authorizing the Division of Capital Asset Management and Maintenance to convey certain land to the town of Salisbury (House, No. 4929) (its title having been changed by the committee on Bills in the Third Reading); and

Hull,— Nantasket Beach.

Authorizing the Division of Capital Asset Management and Maintenance to lease certain Nantasket Beach reservation buildings and park land in the town of Hull for development purposes (House, No. 4932);

And they severally were passed to be engrossed. Severally sent to the Senate for concurrence.

Lee,— Stanley Daoust.

The House Bill relative to retirement benefits for Stanley Daoust (House, No. 4709) (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. Pedone of Worcester.

Pending the question on passing the bill to be engrossed, Mr. Pignatelli of Lenox moved to amend it by adding the following section:

"SECTION 2. This act shall take effect upon its passage.".

The amendment was adopted; and the bill (House, No. 4709, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

Recess.

At twenty-four minutes before two o'clock P.M. (Wednesday, July 28), on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until the hour of four

o'clock; and at eighteen minutes after four o'clock the House was called to order with Mr. Donato in the Chair.

Reports of Committees.

Hingham,—veterans council.

Report of the committee on Municipalities and Regional Government, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 4714) of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) that the town of Hingham be authorized to implement a voluntary donation system and providing for the establishment of a veterans council assistance fund for said town.

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. Bradley of Hingham.

Satellite subscriptions,—excise tax.

Report of the committee on Revenue, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 4758) of Garrett J. Bradley that the Department of Revenue be directed to reimburse cities and towns the proceeds collected from the excise tax imposed on satellite subscriptions.

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. Bradley of Hingham.

Emergency Measure.

Mortgage foreclosures.

The engrossed Bill relative to mortgage foreclosures (see Senate, No. 2407, 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 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 passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Recess.

Recess.

At seventeen minutes before five o'clock P.M. (Wednesday, July 28), on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until the following day at a half past twelve o'clock noon; and at that time the House was called to order with Mr. Donato in the Chair.

Thursday, July 29, 2010 (at 12:30 P.M.).

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.

Wenham,—validate election.

A message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the results of the special town election held in the town of Wenham on December 17, 2009 (House, No. 4948) was filed in the office of the Clerk on Wednesday, July 28.

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

Gardner,—land.

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 city of Gardner to convey certain land under the control of the Gardner conservation commission (House, No. 4949) was filed in the office of the Clerk on Wednesday, July 28.

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

Subsequently Mr. Donato of Medford, on the foregoing message, reported a Bill authorizing the city of Gardner to convey certain land under the control of the Gardner Conservation Commission (printed in House, No. 4949). Read; and referred, under Rule 33, to the committee on Ways and Means.

Essex,—validate acts.

A message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the action taken at an annual town meeting held in the town of Essex (House, No. 4950), was filed in the office of the Clerk on Wednesday, July 28.

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

Resolutions.

Arthur D. Sutcliffe.

Resolutions (filed by Messrs. Golden of Lowell, Nangle of Lowell and Murphy of Lowell) honoring Arthur D. Sutcliffe for his seventeen years of volunteer service to the Greater Merrimack Valley Communities, were referred, under Rule 85, to the committee on Rules:

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

Orders.

The following orders (filed of Mr. Binienda of Worcester) were adopted:

Gaming conferees,—voting.

Ordered, That, notwithstanding any rule to the contrary, a court officer shall be assigned to cast roll call votes, except quorum roll calls, for Representatives Dempsey of Haverhill, Reinstein of Revere and Frost of Auburn during their deliberations in meetings of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendments of the House Bill establishing expanded gaming in the Commonwealth (House, No. 4619).

Criminal offender record conferees,—voting.

Ordered, That, notwithstanding any rule to the contrary, a court officer shall be assigned to cast roll call votes, except quorum roll calls, for Representatives O'Flaherty of Chelsea, Speranzo of Pittsfield and Frost of Auburn during their deliberations in meetings of the committee of conference on the disagreeing votes of the two branches with reference to the House amendment of the Senate Bill reforming the administrative procedures relative to criminal offender record information and pre- and post-trial supervised release (Senate, No. 2220).

Health insurance conferees,—voting

Ordered, That, Notwithstanding any rule to the contrary, a court officer shall be assigned to cast roll call votes, except quorum roll calls, for Representatives Mariano of Quincy, Walsh of Lynn and Barrows of Mansfield during their deliberations in meetings of the committee of conference on the disagreeing votes of the two branches with reference to the House amendment of the Senate Bill to promote cost containment, transparency and efficiency in the provision of quality health insurance for individuals and small businesses (Senate No. 2447).

Papers from the Senate.

Water storage facilities,—inspections.

The Senate Bill authorizing governmental bodies to enter into contracts for the inspection, maintenance, repair or modification of water storage facilities (Senate, No. 2449, 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 4881) with a further amendment in proposed section 64, adding the following subsection:

"(c) All subcontractors under the offeror shall maintain and participate in a bona fide apprentice training program as prescribed in sections 11H and 11I of chapter 23 for each trade or occupation with an apprentice training program and approved by the division of apprentice training in the department of labor and workforce development and shall abide by the apprentice-to-journeyman ratio for each such trade as prescribed in said chapter 23 while in the performance of the contract.".

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.

The same member then moved that the House concur with the Senate in its further amendment with a still further amendment by striking out subsection (c) (inserted by amendment by the Senate) and inserting in place thereof the following subsection:

Water storage facilities,— inspections.

"(c) All subcontractors under the offeror employing 10 or more persons to perform services under a contract awarded pursuant to section 65 shall maintain and participate in a bona fide apprentice training program as prescribed in sections 11H and 11I of chapter 23 for each trade or occupation with an apprentice training program and approved by the division of apprentice training in the department of labor and workforce development and shall abide by the apprentice to journeyman ratio for each such trade as prescribed in said chapter 23 while in the performance of the contract.".

The still further amendment was adopted. Sent to the Senate for concurrence in the still further amendment.

Food policy council.

The House Bill establishing the Massachusetts food policy council (House, No. 4568) came from the Senate passed to be engrossed, in concurrence, with amendments in section 1, in line 4, striking out the figures "15" and inserting in place thereof the figures "17"; in line 15, striking out the figure "5" and inserting in place thereof the figure "7"; in line 18, after the word "nutrition", inserting the following "1 of whom shall be an expert in food safety, 1 of whom shall be an expert in food processing and handling"; and, in line 25, striking out the words "department shall provide administrative support to the council as requested" and inserting in place thereof the words "council may request administrative support from the department".

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.

Tips,— pooling.

The House Bill relative to the pooling of tips (House, No. 4814) 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 2576.

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

Bills

Wages,— uniformity and recordkeeping.

Relative to uniform wage compliance and recordkeeping (Senate, No. 678, amended by inserting after section 1 (as changed by the Senate committee on Bills in the Third Reading) the following section:

"SECTION 1A. Chapter 149 of the General Laws is hereby amended by inserting after section 147H the following section:—

Section 147I. (a) An individual whose work is performed solely in the individual's place of residence shall be exempt from the requirements of clause (2) of subsection (a) of section 148B of chapter 149, but not clause (1) or clause (3) of said subsection (a) of said section 148B of said chapter 149. This section does not apply to other persons who work with or for the individual.

(b) The exception provided in subsection (a) shall not apply to an individual who has been coerced, threatened or intimidated into establishing an independent business nor shall it apply to individuals who telecommute or work remotely from home.

(c) Each individual seeking this exemption shall register with the state secretary and such registration shall be issued without a fee. The registration shall include, but not be limited to, the following information: (i) name of the individual seeking the exemption; (ii) the nature of the independently established business; (iii) the address of the residence at which the work is performed; and (iv) proof that the address listed is the applicant's legal residence. The state secretary shall issue regulations necessary to ensure registration under this section. The application for registration shall be typewritten, printed or in such other form as the state secretary shall prescribe. The application for registration shall be executed by the individual seeking the exemption. The registration shall be renewed every 3 years.") (on a petition);

Notaries public.

Regulating notaries public to protect consumers (Senate, No. 1845, amended by striking out section 4; and in section 5, in lines 291 to 314, inclusive, striking out the text contained therein and inserting in place thereof the following:

"Section 18A. (a) The attorney general or district attorney may prosecute any person committing a violation under this chapter. Any person convicted of committing such violation shall be punished for a first offense by a fine of not more than $1,000 or by imprisonment in a jail or house of correction for not more than 6 months, or by both such fine and imprisonment, and for subsequent offenses by a fine of not more than $5,000 or by imprisonment in a jail or house of correction for not more than one year, or by both such fine and imprisonment. The attorney general or district attorney may file a petition for injunctive relief against any person who violates this chapter. If the attorney general, district attorney or the state secretary has cause to believe that, as a result of official misconduct, a person holding the office of notary public is unsuitable to hold that office, the attorney general, district attorney or the state secretary shall provide notice to the governor of such official misconduct. Any conviction based on a violation of this chapter shall be grounds for the revocation of a notary's appointment. If the court finds that a person so convicted either knew or should have known his conduct to be in violation of this chapter, the court may require such person to pay to the commonwealth a civil penalty of not more than $5,000 for each such violation and also may require the person to pay the reasonable costs of investigation and litigation of such violation, including reasonable attorneys' fees.

(b) A person having an interest or right that is or may be adversely affected by a violation of section 18 may initiate an action for private remedies and, if the attorney general or district attorney has not done so, for injunctive relief. Such person may be awarded actual damages and, if the court finds that person against whom the action is brought either knew or should have known his conduct to be in violation of section 18, punitive damages of not more than $5,000 per violation, and attorney's fees and court costs.

(c) A violation of section 18 shall constitute an unfair and deceptive act or practice pursuant to chapter 93A.

(d) It shall not be a defense in an action under this section that the conduct that is the subject of the action, in whole or in part, occurred primarily or substantially outside the commonwealth."; and in section 5, in line 396, by striking out the date "July 1, 2009" and inserting in place thereof the following date "July 1, 2011") (on a petition); and

Street lists.

Relative to street list (Senate, No. 2574) (on Senate bill No. 332);

Severally passed to be engrossed by the Senate were read; and they were referred, under Rule 33, to the committee on Ways and Means.

Bills

Town managers.

Relative to the appointment of executive secretaries and town managers (Senate, No. 793) (on a petition);

Elderly,—falls.

Relative to the prevention of falls in the elderly community (Senate, No. 2240) (on Senate, No. 317);

Rockland,—Memorial Park.

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

Mansfield,—Weddleton Bridge.

Designating a certain bridge in the town of Mansfield as the Sergeant Douglas Weddleton Memorial Bridge (Senate, No. 2528) (on a petition);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reports of Committees.

Land based wind projects.

By Mr. Finegold of Andover, for the committee of conference on the disagreeing votes of the two branches, with reference to the Senate further amendments to the House amendment of the Senate Bill relative to comprehensive siting reform for land based wind projects (Senate, No. 2260), recommending passage of a bill with the same title (House, No. 4955). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, then reported that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting, the question being on acceptance.

West Boylston,—land.

By Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rules 12 and 9 be suspended on the joint petition of James J. O'Day and Harriette L. Chandler for legislation to authorize the Commissioner of Capital Asset Management and Maintenance to grant an easement in certain land to the town of West Boylston. Under suspension of the rules, on motion of Mr. O'Day of West Boylston, the report was considered forthwith. Joint Rules 12 and 9 were suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

Architects,—liens.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to a lien for architects, engineers, land surveyors, and site professionals (Senate, No. 2512, amended) ought to pass with amendments by inserting after section 1 the following section:

"SECTION 1A. Said section 2A of said chapter 254, as so appearing, is hereby further amended by striking out, in line 9, the word 'two' and inserting in place thereof the words:— 2, 2C and 2D."; and in section 2, in line 72, by striking out the word "prime".

By the same member, for the same committee, that the Bill increasing the experience and background necessary to operate low pressure processed steam boilers (House, No. 4558) ought to pass with an amendment substituting a bill with the same title (House, No. 4952). Steam boilers.

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

By Mr. Moran of Boston, for the committee on Election Laws, on a petition, a Bill authorizing the placement of a certain question on the ballot to be used at the 2010 biennial state election in the city of Gardner (House, No. 4897) [Local Approval Received]. Gardner,— snow removal.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, under the provisions of Joint Rule 3A, a Committee Bill improving lobster laws (House, No. 4951). Lobster pots,— marking.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill relative to the appointment of retired police officers in the town of Whitman (House, No. 4854) [Local Approval Received]. Whitman,— retired police.

By the same member, for the same committee, on a petition, a Bill exempting employees of the department of public works in the town of Acushnet from the civil service law (House, No. 4939) [Local Approval Received]. Acushnet,— public works.

By Mr. Kaufman of Lexington, for the committee on Revenue, on a petition, a Bill relative to quarterly tax billing in the town of Belmont (House, No. 4901) [Local Approval Received]. Belmont,— tax billing.

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

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

Relative to compliance with reserve requirements of life insurers (Senate, No. 2542); Life insurers,— reserves.

Clarify recording requirements at registries of deeds (Senate, No. 2549); and Deeds.

Further regulating debt collection (Senate, No. 2557); Debt collection.

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

Recess.

At twenty-five minutes before one o'clock P.M. (Thursday, July 29), on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until five minutes before one o'clock; and at that time the House was called to order with the Speaker in the Chair. Recess.

Joint Session of the Two Houses to Consider Specific Legislative Amendments to the Constitution.

Joint Session.

At one o'clock P.M., the two Houses met in

JOINT SESSION

and were called to order by the Honorable Stanley C. Rosenberg.

Without action on the matters duly and constitutionally assigned for consideration, on motion of Ms. Menard, at one minute past one o'clock P.M., the Joint Session was adjourned; and the Senate withdrew from the House Chamber, under the escort of the Sergeant-at-Arms.

Engrossed Bills.

Mr. Donato of Medford being in the Chair,—

Engrossed bills

Bills enacted.

Establishing a linkage exaction program in the city of Gloucester (see Senate, No. 100);

Exempting the position of chief of police in the town of Great Barrington from the civil service law (see Senate, No. 2332); and

Relative to certain temporary registrations and volunteer dentistry (see Senate, No. 2567);

(Which severally originated in the Senate); and

Establishing the Essex county commission on the status of women (see House, No. 3410) (which originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Recess.

Recess.

At a quarter after one o'clock P.M. (Thursday, July 29), on motion of Mr. Jones of North Reading (Mr. Donato of Medford being in the Chair), the House recessed until the hour of two o'clock; and at that time the House was called to order with Mr. Donato in the Chair.

Guests of the House.

Boston Pops,—Keith Lockhart.

The Speaker then took the Chair and welcomed distinguished guests representing the Boston Pops, which is celebrating the one hundred twenty-fifth anniversary of performing for audiences throughout the world. Mr. Keenan of Salem then took the Chair and read resolutions previously adopted by the House honoring the anniversary. After remarks by Mr. Keenan, Ms. Fox of Boston and Mr. Pignatelli of Lenox, Mr. Pignatelli introduced Mr. Mark Volpe, Managing Director, who addressed the House briefly. The Speaker then returned to the Chair and introduced Keith Lockhart, Conductor, who also addressed the House briefly. Accompanying Mr. Lockhart and Mr. Volpe were Mr. Lockhart's wife and two children, as well as Dennis Alves, Director of Artistic Planning and Ryan Losey of government relations. They were the guests of the Speaker and Representatives Keenan, Fox and Pignatelli.

Recess.

At twenty-eight minutes after two o'clock P.M. (Thursday, July 29), on motion of Mr. Vallee of Franklin (the Speaker being in the Chair), the House recessed until the hour of three o'clock; and at that time the House was called to order with Mr. Donato in the Chair. Recess.

Emergency Measures.

The engrossed Bill requiring adequate education relative to the proper safety and operation of a motorcycle for minors (see Senate, No. 2344, 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. Motorcycles,—safety.

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 42 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.

The engrossed Bill relative to the qualifications, service and salary of county managers (see House, No. 1993), 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. County managers.

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 31 to 0. Sent to the Senate for concurrence.

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

The engrossed Bill establishing a sick leave bank for Susan Spera, an employee of the Department of Developmental Services (see House, No. 4717), 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. Susan Spera,—sick leave bank.

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 20 to 0. Sent to the Senate for concurrence.

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

The engrossed Bill authorizing certain development in the Fort Point Channel in the city of Boston (see Senate, No. 2376, amended), having been certified by the Clerk to be rightly and truly prepared for Boston,—Fort Point Channel.

Boston,— Fort Point Channel.

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 26 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. 464.

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

[See Yea and Nay No. 464 in Supplement.]

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

Engrossed Bills — Land Takings.

Plymouth,— land.

The engrossed Bill relative to a transfer of land in the town of Plymouth (see House, No. 4264, 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. 465.

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

[See Yea and Nay No. 465 in Supplement.]

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

Cohasset,— land.

The engrossed Bill authorizing the town of Cohasset to grant certain interests in land acquired for conservation, open space and water protection purposes (see House, No. 4322) (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. 466.

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

[See Yea and Nay No. 466 in Supplement.]

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

Sherborn,— land.

The engrossed Bill making a technical correction in a special act relative to certain land in the town of Sherborn (see House bill printed in House, No. 4614) (which originated in the House), having been cer-

tified 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 155 members voted in the affirmative and 0 in the negative.

Bill enacted (land taking),—yea and nay No. 467.

[See Yea and Nay No. 467 in Supplement.]

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

The engrossed Bill authorizing the town of Westford to lease a certain parcel of land for camp purposes (see House, No. 4662, 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.

Westford,—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 155 members voted in the affirmative and 0 in the negative.

Bill enacted (land taking),—yea and nay No. 468.

[See Yea and Nay No. 468 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 Boston parks and recreation commission to lease certain real property (see House, No. 4663) (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.

Boston,—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 154 members voted in the affirmative and 0 in the negative.

Bill enacted (land taking),—yea and nay No. 469.

[See Yea and Nay No. 469 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 Winthrop and the Winthrop Housing Authority to grant certain easements for underground electric and intelligence transmission and distribution cables (see House, No. 4766, 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.

Winthrop,—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.,

Bill enacted (land taking),—yea and nay No. 470.

Winthrop,—land.

as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 155 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 470 in Supplement.]

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

Cohasset,—land.

The engrossed Bill authorizing the town of Cohasset to use a certain parcel of water supply land for general municipal purposes (see House, No. 4844) (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. 471.

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. 471 in Supplement.]

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

Beverly,—land.

The engrossed Bill authorizing the city of Beverly to convey certain land located in the city of Beverly (see House, No. 4905) (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. 472.

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

[See Yea and Nay No. 472 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. Vallee of Franklin being in the Chair,—

General Appropriation Bill.

Mr. Murphy of Burlington, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 4840), 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 2011 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. 4800), reported, in part, that section 131 and item 1775-0100 (contained in section 2) stand (as passed by the General Court). Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee reported, in each instance, that the matters be scheduled for consideration by the House. Under suspension of Rule 7A, in each instance, on motion of Mr. Murphy of Burlington, the reports were considered forthwith.

Quorum.

Mr. Peterson of Grafton then asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Vallee), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,— yea and nay No. 473.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 150 members were recorded as being in attendance.

[See Yea and Nay No. 473 in Supplement.]

Therefore a quorum was present.

Section 131 (continuation of cost shifts to state authorities), which had been disapproved by the Governor, was considered.

Continuation of cost shifts to state authorities section 131 stands,— yea and nay No. 474.

After debate on the question on passing said section, 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 139 members voted in the affirmative and 15 in the negative.

[See Yea and Nay No. 474 in Supplement.]

[Representative Guyer of Dalton answered "Present" in response to his name.]

Therefore section 131 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.

Item 1775-0100 (contained in section 2) (Operational Services Division administration), which had been disapproved (in part) by the Governor was considered.

Operational Services Division administration item 1775-0100 stands,— yea and nay No. 475.

After debate 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 133 members voted in the affirmative and 22 in the negative.

[See Yea and Nay No. 475 in Supplement.]

[Representative Guyer of Dalton answered "Present" in response to his name.]

Therefore item 1775-0100 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.

Mr. Donato of Medford being in the Chair,—

Brimfield,— land.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill releasing certain land in the town of Brimfield from an agricultural preservation restriction (Senate, No. 2221) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

Drugs,— Class A substance.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill relative to Class A controlled substances (Senate, No. 2222, amended) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

Abandoned vessels.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to abandoned vessels (House, No. 4762) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4953). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

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

Under suspension of Rule 7A, on motion of Mr. Cabral of New Bedford, 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.

Hull,— library.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to the certification of Hull public library (House, No. 4779) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4954). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

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

Hingham,— tax bills.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill authorizing the town of Hingham to designate a check off box on its tax bills (House, No. 4714) [Local Approval Received]. 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.

Sharon,— deputy police chief.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill exempting the deputy chief of police in the town of Sharon from the provisions of civil service (House, No. 4853) [Local

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

Cheryl A. Cole,— sick leave.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Cheryl A. Cole, an employee of the department of health and human services (House, No. 4921). 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.

Christopher Lemoing,— sick leave.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Christopher Lemoing, an employee of the Plymouth County Sheriff's Department (House, No. 4925). 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.

Engrossed Bill.

Ms. L'Italien of Andover being in the Chair,—

Bill enacted.

The engrossed Bill relative to insurance coverage for autism (see House, No. 4935, amended) (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.

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

Mr. Donato of Medford being in the Chair,—

Storage tanks.

The Senate Bill further regulating above ground tanks used for the storage of certain fluids (Senate, No. 914), 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, read a third time forthwith, under suspension of Rule 47, on motion of Mr. Pedone of Worcester; and it was passed to be engrossed, in concurrence.

The following bills (having been reported by the committee on Bills in the Third Reading to be correctly drawn) were discharged from their position in the Orders of the Day and read a third time forthwith, under suspension of the rules, in each instance, on motion of Mr. Pedone of Worcester:

North Adams.

Authorizing the city of North Adams to use reserve funds to reduce debt (House, No. 4851);

Rowing facility.

Relative to the Connecticut River rowing facility (House, No. 4930); and

Natural resources.

Safeguarding our natural resources (House, No. 4943).

And they severally were passed to be engrossed. Severally sent to the Senate for concurrence.

The following bills (having been reported by the committee on Bills in the Third Reading to be correctly drawn) were discharged from their position in the Orders of the Day and read a third time forthwith, under suspension of Rule 47, in each instance, on motion of Mr. Pedone of Worcester:

Vehicle storage charges.

Relative to the maximum storage charges on motor vehicles involuntarily towed (House, No. 4171);

Boston,— volumetric easements.

Authorizing the city of Boston to grant permanent volumetric easements related to vertical transportation improvements over certain parcels of land in the city of Boston (House, No. 4806);

Postpartum depression.

Relative to postpartum depression (House, No. 4859) (its title having been changed by the committee on Bills in the Third Reading); and

Auctions,— wine sales.

Relative to the sale of wines at auctions (House, No. 4908) (its title having been changed by the committee on Bills in the Third Reading);

And they severally were passed to be engrossed. Severally sent to the Senate for concurrence.

The following 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. Kafka of Soughton:

School districts.

Relative to school district regionalization (House, No. 4754); and

Public contracts.

Relative to bidding for public construction contracts (House, No. 4786);

Severally were ordered to a third reading.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at twelve o'clock noon.

Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at twenty-five minutes before seven o'clock P.M. (Thursday, July 29), on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on the following day at twelve o'clock noon.

Friday, July 30, 2010.

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

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

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

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

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

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

Statement Concerning Representative Creedon of Brockton.

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

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

Special Staff Recognitions.

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

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

Papers from the Senate.

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

Long term care insurance.

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

Bills

Financial literacy.

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

School council.

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

Children,—disabilities.

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

Contracts,—decisions.

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

Automotive industry practices.

Further regulating business practices between motor vehicle dealers, manufacturers, and distributors (Senate, No. 2581) (on Senate bill No. 2508);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

Reports of Committees.

Dual alcohol licensures.

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

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

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

Engrossed Bills.

Engrossed bills

Bills enacted.

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

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

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

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

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

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

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

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

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

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

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

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Recess.

Recess.

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

Papers from the Senate.

Republic of Iran,—divestment.

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

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

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

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

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

The further amendment was adopted.

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

Prescription monitoring program.

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

Prescription monitoring program.

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

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

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

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

Novelty lighters.

The House Bill prohibiting the use of novelty lighters (House, No. 4369, amended) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2578.

Under suspension of Rule 35, on motion of Mr. Pedone of Worcester, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Becket,—pond restoration.

The House Bill establishing the center pond restoration and protection district in the town of Becket (House, No. 3701) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2279.

Under suspension of Rule 35, on motion of Mr. Guyer of Dalton, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Brewster,—renewable energy projects.

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

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

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

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

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

Under suspension of Rule 35, on motion of Mr. Turner of Dennis, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

National heritage areas.

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

"SECTION 4. Each state agency, department, board and commission: (1) shall consider Massachusetts' Heritage Areas when developing planning documents and processes, and (2) may partner with the managing entities of such areas on projects concerning, but not limited to, environmental protection, heritage resource preservation, recreation, tourism and trail development."; inserting before the enacting clause the following emergency preamble:

"*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to recognize certain National Heritage Areas as entities in the service of the public good, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."; and striking out the title and inserting in place there of the following title: "An Act relative to national heritage areas.".

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

Amesbury,—liquor license.

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

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

Under suspension of Rule 35, on motion of Mr. Costello of Newburyport, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Mendon,—ballot question.

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

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

Under suspension of Rule 35, on motion of Mr. Fernandes of Milford, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Harvard,—senior housing.

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

Under suspension of Rule 35, on motion of Ms. Benson of Lunenburg, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Reports of Committees.

Expanded gaming.

Mr. Dempsey of Haverhill, for the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2530; and inserting before the enacting clause the following emergency preamble:

"*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish and regulate forthwith gaming in the commonwealth, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.") of the House Bill establishing expanded gaming in the Commonwealth (House, No. 4619, amended), reported, as follows:

Id.

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

Id.

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

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

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

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

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

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

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

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

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

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

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

Mr. Kafka of Stoughton, for said committee, reported recommending that the matter be scheduled for consideration by the House. Under suspension of the rules, on motion of Mr. Hill of Ipswich, the bill was read a second time forthwith; and it was ordered to a third reading.

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

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

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

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

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

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

Greenfield,—land.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill authorizing certain changes in the lease of a certain parcel of land in the town of Greenfield (Senate, No. 2481) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

Spencer,—land.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill authorizing the Division of Capital Asset Management and Maintenance to lease certain land in the town of Spencer to the Worcester County 4H Center (Senate, No. 2571) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

West Boylston,—land.

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

Subsequently Mr. Murphy of Burlington, for said committee, reported that the bill ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

Gardner,—land.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill authorizing the city of Gardner to convey certain land under the control of the Gardner conservation commission (printed in House, No. 4949) ought to pass with an amendment in line 14 by striking out the words "said parcel of land" and inserting in place thereof the following "parcel of land described in section 1". Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

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

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

The amendment recommended by the committee on Ways and Means then was adopted; and the bill (printed in House, No. 4949, amended) was ordered to a third reading.

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

Flags,—purchasing.

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

Milford,—alcoholic beverages.

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

Id.

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

Id.

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

Bolton,—alcoholic beverages.

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

Dracut,—alcoholic beverages.

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

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill to sustain community preservation (printed as Senate, No. 90, changed) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Real estate land banks.

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

Animal control,—regulating.

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

Home service,—contracts.

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

North Andover.

The engrossed Bill modifying a conservation restriction in the town of North Andover (see House, No. 598) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted (land taking),— yea and nay No. 476.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 147 members voted in the affirmative and 0 in the negative.

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

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

Cambridge,— easements.

The engrossed Bill authorizing the city of Cambridge to grant a permanent easement to the Commonwealth and over certain strips of land owned by the city of Cambridge (see House, No. 4874) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted (land taking),— yea and nay No. 477.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 150 members voted in the affirmative and 0 in the negative.

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

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

Sherborn,— town forest.

The engrossed Bill authorizing the town of Sherborn to use certain town forest land (see House, No. 4585) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted (land taking),— yea and nay No. 478.

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

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

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

Cambridge,— boat ramp.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to lease a boat ramp in the city of Cambridge (see House, No. 4482, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted (land taking),—

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the

taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 153 members voted in the affirmative and 0 in the negative.

yea and nay No. 479.

[See Yea and Nay No. 479 in Supplement.]

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

Plimoth Plantation.

The engrossed Bill authorizing the lease of a certain parcel of state-owned land to Plimoth Plantation (see House, No. 4510) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

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

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

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

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

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

Land based wind projects.

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

Quorum.

After debate on the question on acceptance of the report of the committee of conference, Mr. Hill of Ipswich asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,— yea and nay No. 481.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 147 members were recorded as being in attendance.

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

Therefore a quorum was present.

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

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

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

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

Emergency Measures.

Tips,—pooling.

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

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

Bill enacted.

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

Somerville,—housing authority.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the city of Somerville to the Somerville housing authority (see Senate, No. 2286, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 9 to 0. Sent to the Senate for concurrence.

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

Bill enacted (land taking),—yea and nay No. 483.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 153 members voted in the affirmative and 0 in the negative.

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

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

Boston,—M.B.T.A. land.

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

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

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

Bill enacted (land taking),—

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the

taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 153 members voted in the affirmative and 0 in the negative.

yea and nay No. 484.

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

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

Tewksbury,—land.

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

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

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

Bill enacted (land taking),—yea and nay No. 485.

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. 485 in Supplement.]

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

Cambridge,—easements.

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

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

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

Bill enacted (land taking),—yea and nay No. 486.

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. 486 in Supplement.]

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

Salisbury,—land.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land to the town of Salisbury (see House, No. 4929), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 9 to 0. Sent to the Senate for concurrence.

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

Bill enacted (land taking),—yea and nay No. 487.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 153 members voted in the affirmative and 0 in the negative.

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

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

Boston,—easements.

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the city of Boston to grant permanent volumetric easements relative to vertical transportation improvements over certain parcels of land in the city of Boston (see House, No. 4806) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted (land taking),—yea and nay No. 488.

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

[See Yea and Nay No. 488 in Supplement.]

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

Ashfield,—election.

Engrossed Bill.

The engrossed Bill validating action taken at a special town election held in the town of Ashfield (see House bill printed in House, No. 4612) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

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

The following bills (having been reported by the committee on Bills in the Third Reading to be correctly drawn) were discharged from their

position in the Orders of the Day and read a third time forthwith, under suspension of the rules, in each instance, on motion of Mr. Pedone of Worcester:

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

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

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

And they severally were passed to be engrossed, in concurrence.

The following bills (having been reported by the committee on Bills in the Third Reading to be correctly drawn) were discharged from their position in the Orders of the Day and read a third time forthwith, under suspension of the rules, in each instance, on motion of Mr. Pedone of Worcester:

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

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

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

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

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

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

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

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

Bill authorizing the placement of a certain question on the ballot to be used at the November 2010 biennial state election in the town of Pepperell relative to the sale of alcoholic beverages (House, No. 4846) (its title having been changed by the committee on Bills in the Third Reading); Pepperell,—liquor question.

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

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

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

Bill relative to the certification of Hull public library (House, No. 4954); Hull,—library.

And they severally were passed to be engrossed. Severally sent to the Senate for concurrence.

Seafood marketing.

The House Resolve providing for an investigation and study by a special commission relative to seafood marketing (House, No. 4872, amended) (its title and type of legislation having been changed by the committee on Bills in the Third Reading), reported by said committee on Bills in the Third Reading to be correctly drawn, was discharged from its position in the Orders of the Day and read a third time forthwith, under suspension of Rule 47, on motion of Mr. Pedone of Worcester. After debate the resolve was passed to be engrossed. Sent to the Senate for concurrence.

Flea markets.

The Senate Bill relative to flea market vendors (Senate, No. 2282, amended), reported said committee to be correctly drawn, was discharged from its position in the Orders of the Day and read a third time forthwith, under suspension of Rule 47, on motion of Mr. Pedone of Worcester.

Pending the question on passing the bill to be engrossed in concurrence, the same member moved to amend the bill (as previously amended by the House) by striking out section 5 and inserting in place thereof the following section:

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

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

Substance abuse.

The House Bill relating to controlled substances and medical treatment (House, No. 1653), was discharged from its position in the Orders of the Day and read a third time forthwith, under suspension of Rule 47, on motion of Mr. Pedone of Worcester.

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

Pending the question on passing the bill to be engrossed, Mr. Pedone moved to amend it by substitution of a Resolve providing for an investigation and study by a special commission relative to certain legal protections for persons seeking emergency medical care for a drug overdose (House, No. 4959), which was read.

The amendment was adopted; and the substitute resolve was passed to be engrossed. Sent to the Senate for concurrence.

Third reading bill amended.

The House Bill relative to the development of air rights over the Massachusetts Turnpike (House, No. 3364), reported by the committee on Bills in the Third Reading to be correctly drawn, was discharged from its position in the Orders of the Day and read a third time forthwith, under suspension of Rule 47, on motion of Mr. Pedone of Worcester.

Pending the question on passing the bill to be engrossed, Ms. Walz of Boston and other members of the House moved to amend it by striking out sections 1 and 2 and inserting in place thereof the following two sections:

"SECTION 1. Section 46 of chapter 6C of the General Laws is hereby amended by striking out the second paragraph.

SECTION 2. Said section 46 of chapter 6C is herby further amended by striking out the fourth paragraph, and inserting in place thereof the following paragraph:

The construction or occupancy of any building or other thing erected or affixed under any lease under this section of air rights shall be subject to the building, fire, garage, health and zoning laws and the building, fire, garage, health and zoning ordinances, by-laws, rules and regulations applicable in the city or town in which such building or other thing is located.".

The amendment was adopted; and the bill (House, No. 3364, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

Recess.

At ten minutes after six o'clock P.M. on motion of Mr. Jones of North Reading (Mr. Petrolati of Ludlow being in the Chair), the House recessed until the hour of seven o'clock P.M.; and at twenty-five minutes after seven o'clock the House was called to order with Mr. Donato of Medford in the Chair.

Emergency Measure.

Water storage facilities.

The engrossed Bill authorizing governmental bodies to enter into contracts for the inspection, maintenance, repair or modification of water storage facilities (see Senate, No. 2449, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 10 to 0. Sent to the Senate for concurrence.

Engrossed Bill.

Sherborn,—property conveyance.

The engrossed Bill conveying certain property to the town of Sherborn (see House, No. 4783) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted (land taking),—yea and nay No. 489.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc.,

as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 151 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 489 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

Ordered, That when the House adjourns today, it adjourn to meet the following day at eleven o'clock A.M.

Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at thirteen minutes after eight o'clock P.M., on motion of Mr. Jones of North Reading (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on the following day at eleven o'clock A.M.

Saturday, July 31, 2010.

Met according to adjournment, at eleven o'clock A.M., with Mr. Petrolati of Ludlow 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.

Eternal God, in prayer we turn our attention to You, Our Creator, and seek Your guidance on this, the final day of formal legislative session. You are our light in darkness, our strength in timidity and our courage in discouragement. We pray for the knowledge to see issues clearly and the wisdom to make the right and sound decisions. We are grateful for the blessings which we have received from You and for the opportunities, as elected leaders, of serving the people in our districts and all in the Commonwealth. We are grateful too, for the sharing of good will and the political expertise which exists in our midst as we work together to promote goals and public policy which contribute to the building of peaceful, prosperous, safe and family-friendly communities in which the dignity of each individual is respected. May Your peace and love, which surpasses all understanding, be with us on this and every day.

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. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Message from the Governor.

Simulcasting,—extend.

A message from His Excellency the Governor recommending legislation relative to extending simulcasting (House, No. 4965) was filed this day in the office of the Clerk.

The message was read; and it was referred, under Rule 30, with the accompanying draft of bill to the committee on the Economic Development and Emerging Technologies. Sent to the Senate for concurrence.

Guest of the House.

Dr. Jorge Bruno.

During the Session, the Chair (Mr. Petrolati of Ludlow), declared a brief recess, and introduced Dr. Jorge Bruno. The Director of Culture of the Regional Government of the Azores. He was the guest of Mr. Cabral of New Bedford.

Motions to Discharge Certain Matters in the Orders of the Day.

The following bills (having been reported by the committee on Bills in the Third Reading to be correctly drawn) were discharged from their position in the Orders of the Day and read a third time forthwith, under

suspension of the rules, in each instance, on motion of Mr. Pedone of Worcester:

Newbury,— insurance.

Regulating certain insurance benefits for elected officials of the town of Newbury (Senate, No. 2096);

Museums.

Relative to the disposition of museum property (Senate, No. 2402);

Rockland,— park.

Relative to the continued use of Memorial Park in the town of Rockland (Senate, No. 2474);

Greenfield,— land.

Authorizing certain changes in the lease of a certain parcel of land in the town of Greenfield (Senate, No. 2481); and

Spencer,— land.

Authorizing the Division of Capital Asset Management and Maintenance to lease certain land in the town of Spencer to the Worcester County 4H Center (Senate, No. 2571);

And they severally were passed to be engrossed, in concurrence.

The following bills (having been reported by the committee on Bills in the Third Reading to be correctly drawn) were discharged from their position in the Orders of the Day and read a third time forthwith, under suspension of the rules, in each instance, on motion of Mr. Pedone of Worcester:

Reprecincting.

Relative to reprecincting (House, No. 678);

Belmont,— recalls.

Relative to the recall of elected officials in the town of Belmont (House, No. 4414) (its title having been changed by the committee on Bills in the Third Reading);

Seekonk,— liquor licenses.

Relative to converting four seasonal licenses for the sale of all alcoholic beverages to be dunk on the premises to four annual licenses for the sale of all alcoholic beverages to be drunk on the premises and three seasonal licenses for the sale of wines and malt beverages to be drunk on the premises to three annual licenses for the sale of wines and malt beverages to be drunk on the premises in the town of Seekonk (House, No. 4518) (its title having been changed by the committee on Bills in the Third Reading);

Sudbury,— broadband.

Authorizing the town of Sudbury to enter into or to extend wireless facility contracts or leases for periods in excess of twenty years (House, No. 4715);

Westborough,— liquor license.

Authorizing the town of Westborough to remove a condition of a full liquor license (House, No. 4735);

Whitman,— retired police.

Relative to the appointment of retired police officers in the town of Whitman (House, No. 4854);

Mattapoisett River water supply.

Relative to establishing the Mattapoisett River Valley Water Supply protection advisory committee (House, No. 4858) (its title having been changed by the committee on Bills in the Third Reading);

Vital records.

Relative to the security of vital records and verification of identity (House, No. 4910);

Wenham,— special election.

Validating the acts and proceedings of the special town election in the town of Wenham (printed in House, No. 4948) (its title having been changed by the committee on Bills in the Third Reading);

Gardner,— land.

Authorizing the city of Gardner to convey certain land under the control of the Gardner Conservation Commission (printed in House, No. 4949);

Essex,— town meeting.

Validating the acts and proceedings taken at an annual town meeting held in the town of Essex (printed in House, No. 4950) (its title having been changed by the committee on Bills in the Third Reading);

Relative to abandoned vessels (House, No. 4953); and

Vessels.

Authorizing the Commissioner of Capital Asset Management and Maintenance to grant an easement in certain land to the town of West Boylston (House, No. 4958);

West Boylston.

And they severally were passed to be engrossed. Severally sent to the Senate for concurrence.

The House Bill to establish a board of certification of community health workers (House, No. 4130) was discharged from its position in the Orders of the Day and read a second time forthwith, under suspension of the Rule 47, on motion of Mr. Pedone of Worcester.

Community health workers.

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. 4692),— was adopted; and the substituted bill was ordered to a third reading.

Subsequently under suspension of the rules, on further motion of the same member, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn), was read a third time, its title having been changed by said committee to read: "An Act establishing a board of certification of community health workers.".

Pending the question on passing the bill to be engrossed, Mr. Pedone moved to amend it in section 2, in lines 109 and 110, by striking out the paragraph in those lines and inserting in place thereof the following paragraph:

"(o) to develop rules and regulations for the mandatory licensure of community health workers after 5 years of the board's inception.".

The amendment was adopted; and the bill, as amended) was passed to be engrossed. Mr. Sánchez of Boston moved that this vote be reconsidered; and the motion to reconsider was negative. The bill (House, No. 4692, amended) then was sent to the Senate for concurrence.

The Senate Bill authorizing the warrantless arrest for reckless or negligent operation of a motor vehicle that causes serious bodily injury or death (Senate, No. 2472) (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 the Rule 47, on motion of Mr. Pedone of Worcester.

Reckless vehicle operation.

Pending the question on passing the bill to be engrossed, in concurrence, Mr. O'Flaherty of Chelsea moved to amend it by striking out section 2 and inserting in place thereof the following section:

"SECTION 2. Section 21 of Chapter 90 of the General laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word 'person', in line 34, the following words:— , or whoever operates a motor vehicle recklessly or negligently so that the lives or safety of the public might be endangered in violation of paragraph (a) of subdivision (2) of section 24 and by such operation causes another person serious bodily injury as defined in section 24L, or whoever commits motor vehicle homicide in violation of subsection (a) or (b) of section 24G.".

The amendment was adopted; and the bill, as amended, was passed to be engrossed, in concurrence. The bill (Senate, No. 2472, amended) then was sent to the Senate for concurrence in the amendment.

Papers from the Senate.

Real estate brokers and salesmen.

The engrossed Bill relative to the requirements for licensing as a real estate broker or salesman (see Senate, No. 121, amended) came from the Senate with the endorsement that it had adopted the following amendments:

Inserting before section 1 the following section:

"SECTION A. Section 87RR of chapter 112 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word 'contractor', in line 17, the following words:— and may, by agreement, be paid as an outside salesperson on a commission-only basis."; and

Striking out section 2 and inserting in place thereof the following section:

"SECTION 2. Section 1 shall take effect on June 1, 2011.".

Under suspension of Rule 35, on motion of Mr. Pedone of Worcester, the amendments were considered forthwith.

The committee on Bills in the Third Reading reported recommending that the House concur with the Senate in its amendments with a further amendment by striking out all after the enacting clause and inserting in place thereof the following:

"SECTION 1. Section 87RR of chapter 112 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word 'contractor', in line 17, the following words:— and may, by agreement, by paid as an outside salesperson on a commission-only basis.

SECTION 2. Section 87SS of said chapter 112, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:—

Every individual applicant for a license as a salesman who is required to take an examination therefor shall, as a prerequisite to taking such examination, submit proof satisfactory to the board that he has completed courses in real estate subjects approved by the board, such courses to total 40 classroom hours of instruction; provided, however, that applicants having successfully completed a course in real property while enrolled in an accredited law school in the commonwealth may also take such examination. Every individual applicant for a license as a broker who is required to take an examination therefor shall, as a prerequisite to taking such examination, submit proof satisfactory to the board that he has been actively associated with a real estate broker for a period of 3 years as a real estate salesman and that he has completed additional courses in real estate subjects approved by the board, such courses to total 40 classroom hours of instruction.

SECTION 3. Section 2 of this act shall take effect on June 1, 2011.".

The report was accepted; and the further amendment was adopted.

The House then concurred with the Senate in its amendments, as amended. Sent to the Senate for concurrence in the further amendment.

Athol,— land.

The Senate Bill authorizing the Department of Fish and Game to acquire land of the town of Athol and to acquire a conservation restriction on lands of the town of Athol in exchanges for grants of easements to the town of Athol (Senate, No. 2451) 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 4756) with a further amendment striking out all after the enacting clause (inserted by amendment by the House) and inserting in place thereof the text contained in Senate document numbered 2555.

Under suspension of Rule 35, on motion of Mr. Wagner of Chicopee, the further amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Uxbridge,—Benny Emrick's 'Road to Boston'.

The House Bill designating a certain road in the town of Uxbridge as the Benny Emerick's Road to Boston (House, No. 3182) 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 following:

"A portion of route 16 in the town of Uxbridge, beginning at the intersection of West River road and ending at the Mendon town line, shall be designated and known as the Sergeant Benjamin P. 'Benny' Emerick's 'Road to Boston.' The Massachusetts Department of Transportation shall erect and maintain suitable markers bearing that designation in compliance with the standards of the department and any existing historic preservation guidelines or statutes.".

Under suspension of Rule 35, on motion of Ms. Callahan of Sutton, 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.

Yarmouth,—Parker's River Marina.

The House Bill providing for development and operation of a new Parker's River Marina in the town of Yarmouth (House, No. 4321, amended) (its title having been changed by the Senate committee on Bills in the Third Reading) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1, in line 8, inserting after the word "town" (as changed by the Senate committee on Bills in the Third Reading) the words "for public use".

Under suspension of Rule 35, on motion of Mr. Turner of Dennis, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Elderly,—silver alert system.

The House Bill to create a silver alert community response system (House, No. 4916) came from the Senate passed to be engrossed, in concurrence, with amendments in section 1, in line 17, after the word "created", and also in line 25, after the word "shall" (the first time it appears), inserting, in each instance, the words ", subject to available funds,"; and in section 2, in line 36, striking out the word "annual", and in line 41, striking out the words "shall consider coordinating" and inserting in place thereof the words "may coordinate".

Under suspension of Rule 35, on motion of Ms. Reinstein of Revere, 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.

Carver,—sheds and outbuildings.

The Senate Bill authorizing property tax exemption for certain small sheds and outbuildings in the town of Carver (Senate, No. 2255) (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.

Reports of Committees.

Children,—communication opportunities.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill to improve augmentative and alternative communication opportunities for children (Senate, No. 2579) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee, reported recommending that the matter be scheduled for consideration by the House.

Under suspension of said rule, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Ms. L'Italien of Andover, the bill (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, its title having been changed by said committee to read: "An Act relative to augmentative and alternative communication opportunities for children.".

Cape Cod,—electricity.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill relative to electricity reliability on Cape Cod (Senate, No. 2109) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee, reported recommending that the matter be scheduled for consideration by the House.

Under suspension of said rule, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

Medical Mutual Insurance Company.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill relating to the Medical Professional Mutual Insurance Company (Senate, No. 2385) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee, reported recommending that the matter be scheduled for consideration by the House.

Under suspension of said rule, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

Debt collection.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill further regulating debt collection (Senate, No. 2557) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee, reported recommending that the matter be scheduled for consideration by the House.

Under suspension of said rule, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

Registries of deeds,—records.

Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, reported recommending that the Senate Bill clarify recording requirements at the registries of deeds (Senate, No. 2549) 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, under suspension of the rules, on motion of Mr. Pedone of Worcester, the bill (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 relative to recording requirements at registries of deeds.". Sent to the Senate for concurrence.

Civil service and retirement.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to civil service, retirement, and pensions (House, No. 4505) ought to pass with an amendment substituting therefore a Bill relative to civil service, retirement and pensions (House, No. 4964). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Mr. Kafka of Stoughton, for said committee, reported recommending that the matter be scheduled for consideration by the House.

Under suspension of said rule, on motion of the same member, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill was ordered to a third reading.

Hopkinton,—public works.

Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill abolishing the board of public works in the town of Hopkinton (House, No. 4882) 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, under suspension of the rules, on motion of Mr. Pedone of Worcester, the bill (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.

Registries of deeds,—records.

Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, reported recommending that the Senate Bill clarify recording requirements at the registries of deeds (Senate, No. 2549) 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, under suspension of the rules, on motion of Mr. Pedone of Worcester, the bill (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 relative to recording requirements at registries of deeds.". Sent to the Senate for concurrence.

Real estate closing tax.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill to sustain community preservation (printed as Senate, No. 90) 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.

Provincetown,— Fisherman's Wharf.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill regarding fisherman's wharf in the town of Provincetown (House, No. 800) 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.

Steam boilers,— operation.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill increasing the experience and background necessary to operate low pressure processed steam boilers (House, No. 4558) be scheduled for consideration by the House, with 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. 4952),— pending.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Mean then was adopted; and the substituted bill was ordered to a third reading.

Real estate appraisal companies.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on House, No. 4751, a Bill to regulate real estate appraisal management companies (House, No. 4966). Read; and referred, under Rule 33, to the committee on Ways and Means.

Emergency Measures.

Greenfield,— land.

The engrossed Bill authorizing certain changes in the lease of a certain parcel of land in the town of Greenfield (see Senate, No. 2481), 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 20 to 0. Sent to the Senate for concurrence.

Bill enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Dartmouth,— land.

The engrossed Bill authorizing the Commonwealth to convey a certain parcel of land in the town of Dartmouth (see Senate, No. 2553), having been certified by the Clerk to be rightly and truly prepared for

final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 17 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate. Bill enacted.

The engrossed Bill relative to national heritage areas (see House, No. 4492, 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. Heritage areas.

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 14 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate. Bill enacted.

Engrossed Bills and Resolve.

The engrossed Bill authorizing governmental bodies to enter into contracts for the inspection, maintenance, repair or modification of water storage facilities (see Senate, No. 2449, amended) (which originated in the Senate), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate. Bill enacted.

Engrossed bills

Relative to limiting certain types of dual alcohol licensure (see Senate, No. 169, amended); Bills enacted.

Relative to credit union shares and deposits (see Senate, No. 468);

Relative to the disposition of museum property (see Senate, No. 2402);

Authorizing the warrantless arrest for reckless or negligent operation of a motor vehicle that causes serious bodily injury or death (see Senate, No. 2472, amended);

Relative to recording requirements at registries of deeds (see Senate, No. 2549);

Relative to augmentative and alternative communication opportunities for children (see Senate, No. 2579);

(Which severally originated in the Senate);

Further regulating nonrenewal notices relative to motor vehicle liability insurance and fire insurance (see House, No. 959);

Relative to the licensure of certain health plans (see House, No. 971);

Relative to discharge of certain mortgages (see House, No. 996);

Establishing the center pond restoration and protection district in the town of Becket (see House, No. 3701, amended);

Bills enacted.

Relative to the maximum storage charges on motor vehicles involuntarily towed (see House, No. 4171);

Relative to inhalant abuse (see, House, No. 4254);

Relative to pension divestment from certain companies that invest in the Republic of Iran (see House, No. 4297, amended);

Prohibiting the use of novelty lighters (see House, No. 4369, amended);

Authorizing the town of Southbridge to match debt repayment for school projects to the retirement of other outstanding debt (see House, No. 4695);

Authorizing the city known as the town of Amesbury to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 4818, amended);

Directing the State Secretary to place the office of selectmen on the state election ballot in the town of Mendon (see House, No. 4849, amended);

Adding safeguards to the prescription monitoring program and furthering substance abuse education and prevention (see House, No. 4879);

To create a silver alert community response system (see House, No. 4916, amended);

Eliminating the word "retardation" from the General Laws (see House, No. 4922);

(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 it were signed by the acting Speaker and sent to the Senate.

Resolve passed.

The engrossed Resolve providing for an investigation and study by a special commission relative to seafood marketing (see House, No. 4872, amended) (which originated in the House), having been certified by the Clerk to rightly and truly prepared for final passage, was passed; and it was signed by the acting Speaker and sent to the Senate.

Motions to Discharge Certain Matters in the Orders of the Day.

Expanded gaming.

There being no objection,— A report (in part) of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendments of the House Bill establishing expanded gaming in the Commonwealth (House, No. 4619, amended), recommending passage of a bill with the same title (House, No. 5000), was considered forthwith, under suspension of Rule 47, on motion of Mr. Dempsey of Haverhill.

The report of the Senate committee on Bills in the Third Reading, asking to be discharged from further consideration of the bill, was accepted.

Conference committee report accepted,— yea and nay No. 490.

After debate on the question on acceptance of the report of the committee of conference, the sense of the House was taken by yeas and nays, at the request of Mr. Sciortino of Medford; and on the roll call 117 members voted in the affirmative and 36 in the negative.

[See Yea and Nay No. 490 in Supplement.]

Therefore the report of the committee of conference was accepted. Sent to the Senate for concurrence.

A report (on the residue) of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendments of the House Bill establishing expanded gaming in the Commonwealth (House, No. 4619, amended), recommending passage of a bill with the same title (House, No. 5001), was considered forthwith, under suspension of Rule 47, on motion of Mr. Pedone of Worcester. Expanded gaming.

The report of the Senate committee on Bills in the Third Reading, asking to be discharged from further consideration of the bill, was accepted.

The report of the committee of conference then was accepted. Sent to the Senate for concurrence.

Engrossed Bills — Land Takings.

The engrossed Bill authorizing the town of Brewster to use certain town-owned land for general town purposes, including renewable energy projects (see House, No. 4450, 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. Brewster,— 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. 491.

[See Yea and Nay No. 491 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 providing an easement for affordable senior apartments in the town of Harvard (see House, No. 4850, 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. Harvard,— easement.

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. 492.

[See Yea and Nay No. 492 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Motion to Discharge a Certain Matter in the Orders of the Day.

The Senate Bill further regulating workers' compensation insurance (Senate, No. 2375, 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. Pedone of Worcester. Workers' compensation insurance.

After remarks on the question on passing the bill to be engrossed, in concurrence, the sense of the House was taken by yeas and nays, at the Bill passed to be engrossed,—

yea and nay No. 493.

request of Mr. Walsh of Boston; and on the roll call 153 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 493 in Supplement.]

Therefore the bill was passed to be engrossed, in concurrence.

Emergency Measure.

Brimfield,—land.

The engrossed Bill releasing certain land in the town of Brimfield from an agricultural preservation restriction (see Senate, No. 2221), 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 15 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. 494.

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 145 members voted in the affirmative and 7 in the negative.

[See Yea and Nay No. 494 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.

Bill enacted.

The engrossed Bill further regulating workers' compensation insurance (see Senate, No. 2375, amended) (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.

Paper from the Senate.

Economic development reorganization.

A report (in part) 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 of House document numbered 4863) of the Senate Bill relative to economic development reorganization (Senate, No. 2380), recommending passage of a bill with the same title (Senate, No. 2582), came from the Senate with the endorsement that it had been accepted by said branch.

Under suspension of the rules, on motion of Mr. Bradley of Hingham, the report was considered forthwith.

Conference committee report accepted,—yea and nay No. 495.

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 151 members voted in the affirmative and 2 in the negative.

[See Yea and Nay No. 495 in Supplement.]

[Mr. Guyer of Dalton answered "Present" in response to his name.]

Therefore the report of the committee of conference was accepted, in concurrence.

Engrossed Bills — Land Takings.

The engrossed Bill authorizing the city of Gardner to convey certain land under the control of the Gardner conservation commission (see House bill printed in House, No. 4949) (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.

Gardner,— 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. 496.

[See Yea and Nay No. 496 in Supplement.]

Therefore the bill was passed to be enacted (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill authorizing the leasing of a certain parcel of land owned by the Department of Conservation and Recreation in the town of Hingham (see House, No. 4823, 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.

Hingham,— 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. 497.

[See Yea and Nay No. 497 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 land in the town of Spencer to the Worcester County 4H Center (see Senate, No. 2571) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Spencer,— 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 154 members voted in the affirmative and 0 in the negative.

Bill enacted (land taking),— yea and nay No. 498.

[See Yea and Nay No. 498 in Supplement.]

Therefore the bill 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 engrossed Bill directing the University of Massachusetts and Commonwealth community colleges to establish a tuition retention program and ensure adequate access for qualified Massachusetts stu-

Tuition retention program.

Tuition retention program.

dents (see House, No. 4835) [being a printed copy of Section 129 contained in the engrossed Bill making appropriations for the fiscal year 2011 (see House, No. 4800), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment H of House, No. 4840)], was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Murphy of Burlington.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the form contained in Attachment H of House, No. 4840 (as perfected by the committee); and the report was accepted.

The amendment recommended by the Governor then was rejected.

Mr. Murphy of Burlington then moved to amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

"SECTION 1. Chapter 131 of the acts of 2010 is hereby amended by striking out sections 108 to 110, inclusive.

SECTION 2. Said chapter 131, as so appearing, is hereby further amendment by striking out section 199."; and by striking out the title and inserting in place thereof the following title "An Act relative to tuition retention at the University of Massachusetts at Amherst.".

Amendments adopted,—yea and nay No. 499.

After remarks on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 148 members voted in the affirmative and 6 in the negative.

[See Yea and Nay No. 499 in Supplement.]

Therefore the amendments were adopted. Sent to the Senate for its action.

Norwood,—Walnut Lodge property.

The engrossed Bill releasing a restriction on a parcel in the town of Norwood (see House, No. 4836) [being a printed copy of Section 130 contained in the engrossed Bill making appropriations for the fiscal year 2011 (see House, No. 4800), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment I of House, No. 4840)], was considered forthwith, under suspension of Rule 47, on motion of Mr. Murphy of Burlington.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the form contained in said Attachment I of House, No. 4840 (as perfected by the committee); and the report was accepted.

The amendment recommended by the Governor then was adopted. Sent to the Senate for its action.

Papers from the Senate.

Health insurance.

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 of House document numbered 4924) of the Senate Bill to promote cost containment, transparency and efficiency in the provision of quality health insurance for individuals and small businesses (Senate, No. 2447), recommending passage of a bill with the same

title (Senate, No. 2585), came from the Senate with the endorsement that it had been accepted by said branch.

Under suspension of the rules, on motion of Mr. Mariano of Quincy, the report was considered forthwith.

After debate on the question on acceptance of the report, in concurrence, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 153 members voted in the affirmative and 0 in the negative.

Conference committee report accepted,—yea and nay No. 500.

[See Yea and Nay No. 500 in Supplement.]

Therefore the report of the committee of conference was accepted, in concurrence.

At a quarter before seven o'clock P.M., on motion of Mr. Flynn of Bridgewater (Mr. Petrolati of Ludlow being in the Chair), the House recessed until a quarter before eight o'clock; and at seven minutes after eight o'clock the House was called to order with Mr. Donato of Medford in the Chair.

Recess.

The House Bill relating to the standard insurance policy (House, No. 960) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1, in line 5, inserting after the word "terrorism" the following "; provided, however, that an 'act of terrorism' shall mean activities against persons, organizations or property of any nature, the effect of which is either to (i) intimidate or coerce a government or the civilian population or any segment thereof, or to disrupt any segment of the economy; or (ii) further political, ideological, religious, social or economic objectives or to express, or to express opposition to, a philosophy or ideology; provided further, that the act of terrorism shall involve the following or preparation of the following: (1) use or threat of force or violence; (2) commission or threat of a dangerous act; or (3) commission or threat of an act that interferes with or disrupts an electronic, communication, information or mechanical system".

Standard insurance policy.

Under suspension of Rule 35, on motion of Mr. Mariano of Quincy, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

The House Bill relative to manslaughter (House, No. 1614) 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 2587.

Manslaughter.

Under suspension of Rule 35, on motion of Mr. Pedone of Worcester, the amendment was considered forthwith.

The committee on Bills in the Third Reading reported recommending that the House concur with the Senate in its amendment with a further amendment in section 1, in subsection (b), in lines 11 to 14, inclusive, by striking out the sentence in those lines; and the report was accepted. The further amendment was adopted.

The House then concurred with the Senate in its amendment, as amended. Sent to the Senate for concurrence in the further amendment.

Private construction contracts.

The House Bill promoting fairness in private construction contracts (House, No. 4721) 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 2577.

Under suspension of Rule 35, on motion of Mr. Flynn of Bridgewater, 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.

Recess.

Recess.

At twenty-four minutes after eight o'clock P.M., on motion of Mr. Pedone of Worcester (Mr. Donato of Medford being in the Chair), the House recessed until twenty minutes before nine o'clock; and at that time the House was called to order with Mr. Donato in the Chair.

Suspension of Rule 1A.

Suspension of Rule 1A.

Mr. Petrolati of Ludlow then took the Chair and 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. 501.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provisions of said rule; and on the roll 131 members voted in the affirmative and 19 in the negative.

[See Yea and Nay No. 501 in Supplement.]

Therefore Rule 1A was suspended.

Papers from the Senate.

Funeral processions.

The engrossed Bill further regulating funeral processions (see Senate, No. 1884, amended), which had been returned to the Senate by His Honor the Lieutenant-Governor, Acting Governor, with recommendation of amendments (for message, see Senate, No. 2568), came from said branch with the endorsement that it had adopted said amendments, as follows:

In proposed section 14A of Chapter 85 of the General Laws;

In subsection (b), in paragraph (1) striking out the second and third sentences contained therein and inserting in place thereof the following sentence "A vehicle in a funeral procession may follow the preceding vehicle in the funeral procession as closely as is practicable and safe.";

In subsection (c), in paragraph (3), striking out the last sentence; and

In subsection (d) striking out paragraph (5) and inserting in place thereof the following paragraph:

(5) a vehicle owned by a funeral home establishment or a licensed or registered certified funeral director, and operated by a funeral director, an employee or an independent contractor of a funeral home may have mounted thereon flashing, rotating or oscillating lights as may be assigned by the registrar of motor vehicles. Such lights shall only be

displayed when such owner or operator is proceeding in a funeral procession and at no other time.”.

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; and they were adopted, in concurrence.

Salem,—National Guard.

The House Bill designating the city of Salem as the birthplace of the National Guard (House, No. 1145, changed) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out section 2 (as changed by the House committee on Bills in the Third Reading).

Under suspension of Rule 35, on motion of Mr. Keenan of Salem, 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.

Millbury,—Dwinell bike path.

The House Bill designating a certain bike path in the town of Millbury as the honorable Richard Dwinell memorial Blackstone Valley bike path (House, No. 3218) 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 following:

“The access area servicing the portion of the Blackstone Valley bike path in the town of Millbury, located at North Main street shall be designated and known as the Honorable Richard J. Dwinell Memorial Blackstone Valley Bike Path Access Area, in honor of former state representative Richard J. Dwinell’s public service to both the commonwealth and the town of Millbury. The Massachusetts Department of Transportation shall erect and maintain suitable markers bearing the designation in compliance with the standards of the department.”.

Under suspension of Rule 35, on motion of Mr. Frost of Auburn, 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.

Postpartum depression.

The House Bill relative to postpartum depression (House, No. 4859) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out sections 1 and 2 and inserting in place thereof the following section:

“SECTION 1. The department of public health may consult with health care providers, including, but not limited to, obstetricians, gynecologists, pediatricians and primary care providers, non-profits and health insurance carriers regarding postpartum depression to develop a culture of awareness, de-stigmatization and screening for perinatal depression so that residents of the commonwealth may be assured of the most effective and affordable provision of public health services possible. The department shall develop standards for measuring effective screening for post partum depression using recognized clinical standards and best practices and shall make recommendations for health plan and health care provider data reporting. The department shall issue regulations that require providers and carriers to annually submit data on screening for postpartum depression. Following the

Postpartum depression.

receipt of the data, the commissioner of public health shall issue an annual summary of the activities related to screening for postpartum depression, including best practices and effective screening tools. The department shall annually file the summary with the commissioner of public health and the clerks of the house of representatives and the senate not later than June 30; provided, however, that the first report is due not later than June 30, 2011".

Under suspension of Rule 35, on motion of Ms. Story of Amherst, 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.

Street rods and custom vehicles.

The House Bill relative to the registration and inspection of street rods and custom vehicles (House, No. 4871) 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 2584.

Under suspension of Rule 35, on motion of Mr. Wagner of Chicopee, 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.

Family child care providers.

The House Bill relative to early education and care by family child care providers (House, No. 4917) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out section 5 and inserting in place the following section:

"SECTION 5. (l) Clause (h) of section 17 of chapter 15D of the General Laws, as appearing in section 2, shall take effect on July 1, 2012.".

Under suspension of Rule 35, on motion of Ms. Khan of Newton, 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.

Simulcasting,— extend.

The Senate Bill extending simulcasting (Senate, No. 2588) (reported from the Senate committee on Ways and Means, under Senate Rule 19), passed to be engrossed by the Senate, was read.

Under suspension of the rules, on motion of Mr. Murphy of Burlington, 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. Pedone of Worcester, the bill (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.

Reports of Committees.

Home service contracts.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill relative to home service contracts (House, No. 987) be scheduled for consideration by the House with the amendment previous recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4957),— pending.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Mean then was adopted; and the substituted bill was ordered to a third reading.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the House Bill relative to the retirement benefits of certain employees of DCF (House, No. 2550) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4967). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

DCF employees,—retirement.

Mr. Kafka of Stoughton, for said committee, reported recommending that the matter be scheduled for consideration by the House.

Under suspension of said rule, on motion of the same member, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Mean then was adopted; and the substituted bill was ordered to a third reading.

Emergency Measures.

The engrossed Bill to promote cost containment, transparency and efficiency in the provision of quality health insurance for individuals and small businesses (see Senate, No. 2585), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Health insurance.

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 Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted.

The engrossed Bill relative to the development of air rights over the Massachusetts Turnpike (House, No. 3364, 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.

Turnpike,—air rights.

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 20 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to lease certain buildings and park land in the town of Hull for development purposes (see House, No. 4932), 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.

Hull,—land and buildings.

Hull,— land and buildings.

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 26 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. 502.

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. 502 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Grafton,— land and surplus properties.

The engrossed Bill authorizing the lease of a certain parcel of land in the town of Grafton to the United States Department of Labor and authorizing the conveyance or lease of certain surplus state-owned properties (see House, No. 4892, 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 22 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. 503.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 151 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 503 in Supplement.]

Therefore the bill was passed to be enacted (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

Paper from the Senate.

The Speaker being in the Chair,—

Criminal offender record information.

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the House amendments (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4712; and striking out the title and inserting in place thereof a new title) to the Senate Bill reforming the administrative procedures relative to criminal offender record information and pre- and post-trial supervised release (Senate, No. 2220) recommending passage of a bill with the same title (Senate,

No. 2583), came from the Senate with the endorsement that it had been accepted by said branch. Under suspension of the rules, on motion of Mr. O'Flaherty of Chelsea, the report was considered forthwith.

Conference committee report accepted,— yea and nay No. 504.

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 131 members voted in the affirmative and 22 in the negative.

[See Yea and Nay No. 504 in Supplement.]

Therefore the report of the committee of conference was accepted, in concurrence.

Engrossed Bills — Land Takings.

West Boylston,— land.

The engrossed Bill authorizing the Commissioner of Capital Asset Management and Maintenance to grant an easement in certain land to the town of West Boylston (see House, No. 4958) (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. 505.

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. 505 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Yarmouth,— Parker's River Marina.

The engrossed Bill providing for development and operation of a new Parker's River Marina in the town of Yarmouth (see House, No. 4321, 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. 506.

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. 506 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Rockland,— Memorial Park.

The engrossed Bill relative to the continued use of Memorial Park in the town of Rockland (see Senate, No. 2474) (which originated in the Senate), 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. 507.

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);

Rockland,—Memorial Park.

and on the roll call (Mr. Donato of Medford being in the Chair) 152 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 507 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.

Economic development reorganization.

The engrossed Bill relative to economic development reorganization (see Senate, No. 2582), 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 24 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), 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. 508.

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 153 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 508 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Athol,—land.

The engrossed Bill authorizing the Department of Fish and Game to acquire land of the town of Athol and to acquire a conservation restriction on lands of the town of Athol in exchange for grants of easements to the town of Athol (see Senate, No. 2451, 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 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 Senate) was put upon its final passage.

Bill enacted (land taking),—yea and nay No. 509.

On the question on passing the bill to be enacted (Mr. Petrolati of Ludlow being in the Chair), 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. 509 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.

The engrossed Bill establishing expanded gaming in the Commonwealth (see House, No. 5000) (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. Gaming,—expand.

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. Dempsey of Haverhill; and on the roll call 115 members voted in the affirmative and 36 in the negative. Bill enacted,—yea and nay No. 510.

[See Yea and Nay No. 510 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

Regulating certain insurance benefits for elected officials of the town of Newbury (see Senate, No. 2096); Bills enacted.

Reforming the administrative procedures relative to criminal offender record information and pre- and post-trial supervised release (see Senate, No. 2583);

(Which severally originated in the Senate);

Relating to the standard insurance policy) (see House, No. 960, amended);

Relative to manslaughter (see House, No. 1614, amended);

Designating a certain road in the town of Uxbridge as the Benny Emerick's Road to Boston (see House, No. 3182, amended); and

Promoting fairness in private construction contracts (see House, No. 4721, 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.

The engrossed Bill establishing expanded gaming in the Commonwealth (see House, No. 5001) (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. After debate the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate. Bill enacted.

Emergency Measures.

The engrossed Bill extending simulcasting (see Senate, No. 2588), 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,—extend.

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 Senate to the Senate. Bill enacted.

Colleges,—tuition retention program.

The engrossed Bill directing the University of Massachusetts and Commonwealth community colleges to establish a tuition retention program and ensure adequate access for qualified Massachusetts students (see House, No. 4835, 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 21 to 0. Sent to the Senate for concurrence.

Norwood,—land.

The engrossed Bill releasing a restriction on a parcel in the town of Norwood (see House, No. 4836, 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 23 to 0. Sent to the Senate for concurrence.

Family child care providers.

The engrossed Bill relative to early education and care by family child care providers (see House, No. 4917, 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 28 to 0. Sent to the Senate for concurrence.

Land based wind projects.

The engrossed Bill relative to comprehensive siting reform for land based wind projects (see House, No. 4955) (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 49 to 2. 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.

Pending the question on passing the bill to be enacted, Mr. Finegold of Andover moved the previous question.

Motion for previous question prevailed,—yea and nay No. 511.

On the question "Shall the main question be now put?", the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 101 members voted in the affirmative and 49 in the negative.

[See Yea and Nay No. 511 in Supplement.]

Therefore the main question was ordered (more than two-thirds of the members present having voted in the affirmative).

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. Peterson; and on the roll call 96 members voted in the affirmative and 51 in the negative.

Bill enacted,—yea and nay No. 512.

[See Yea and Nay No. 512 in Supplement.]

Therefore the bill was passed to be enacted. Mr. Guyer of Dalton then moved that this vote be reconsidered.

On the motion to reconsider, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 40 members voted in the affirmative and 110 in the negative.

Motion to reconsider negatived,—yea and nay No. 513.

[See Yea and Nay No. 513 in Supplement.]

Therefore the motion to reconsider was negative; and the bill was signed by the acting Speaker and sent to the Senate.

Orders.

An Order (filed this day by Mr. Flynn of Bridgewater) relative to the John Fitzgerald Kennedy Statue on the grounds of the Massachusetts State House (House, No. 4968), was referred, under Rule 85, to the committee on Rules.

John Fitzgerald Kennedy statue.

Mr. Binienda of Worcester, for said committee, then reported recommending that the order ought to be adopted.

Under suspension of the rules, on motion of Mr. Flynn, the order was considered forthwith; and it was adopted.

On motion of Mr. DeLeo of Winthrop,—

Ordered, That when the House adjourns today, it adjourn to meet the following Wednesday at eleven o'clock A.M.

Next sitting.

Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at two minutes after twelve o'clock midnight (Sunday, August 1), there being no objection, on motion of Mr. Murphy of Burlington (Mr. Petrolati of Ludlow being in the Chair), the House adjourned, to meet on the following Wednesday at eleven o'clock A.M., in an Informal Session.

Wednesday, August 4, 2010.

Met according to adjournment at eleven o'clock A.M., in an Informal Session, with Mr. Kafka of Stoughton 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.

Gracious God, as we begin this morning's legislative session, in prayer we call upon You for guidance and direction as we examine and address the issues which are before us. We are grateful for Your blessings and assistance which enable us to make reasoned decisions and, thus, serve You and constituents in a faithful, honorable and respectful manner. In our diverse communities and society inspire us to unite people in seeking goals and proposing priorities which promote good will and the common good. In dialoguing with associates and constituents on sensitive and emotional issues teach us to be patient and good listeners so that there will be a meeting of minds and issues clarified. May we always remain faithful to our principles, belief and spiritual and human values.

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. Kafka), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Messages from the Governor — Bills Returned with Recommendation of Amendments.

Casino gaming.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill relative to expanded gaming in the Commonwealth (see House, No. 5000) (for message, see House, No. 5002) was filed in the office of the Clerk on Monday, August 2.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Mr. Pedone of Worcester, to the committee on Bills in the Third Reading.

Id.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill relative to expanded gaming in the Commonwealth (see House, No. 5001) (for message, see House, No. 5003) was filed in the office of the Clerk on Monday, August 2.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Mr. Pedone of Worcester, to the committee on Bills in the Third Reading.

Resolutions.

Resolutions (filed with the Clerk by Representatives Kujawski of Webster, Peterson of Grafton, Fernandes of Milford, Callahan of Sutton, Alicea of Charlton and Frost of Auburn) congratulating Senator Richard T. Moore on his election as President of the National Conference of State Legislatures, were referred, under Rule 85, to the committee on Rules.

Honorable Richard T. Moore.

Mr. Binienda of Worcester, for the committee on Rules, reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Ms. Wolf of Cambridge, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Reports.

Reports

From the Department of Transportation (under Section 149 of Chapter 25 of the Acts of 2009) transmitting a quarterly integration report containing RMV services, employee engagement and recognition programs, research in planning and operation and toll credits; and

Transportation Department,— integration reports.

The semi-annual report of the Insurance Fraud Bureau (pursuant to Section 1 (k) of Chapter 338 of the Acts of 1990) containing a spending and management plan for said office;

Insurance Fraud Bureau.

Severally were placed on file.

Petitions.

Mr. Koczera of New Bedford presented a petition (accompanied by bill, House, No. 4970) of Robert M. Koczera, Antonio F. D. Cabral, Stephen R. Canessa and John F. Quinn (with the approval of the mayor and city council) for legislation to place a certain question on the November ballot in the city of New Bedford; and the same was referred to the committee on Election Laws. Sent to the Senate for concurrence.

New Bedford,— ballot question.

Petitions severally were presented and referred as follows:

By Ms. Callahan of Sutton (by request), petition (subject to Joint Rule 12) of Lisa Shea for legislation to authorize patrons to bring wine beverages into restaurants holding a liquor license; and

Wine,— restaurants.

By Mr. Turner of Dennis, petition (subject to Joint Rule 12) of Cleon H. Turner for legislation to authorize additional retirement benefits for Paul J. Blanchette, Jr., for creditable service lost due to injury;

Paul J. Blanchette, Jr.,— creditable service.

Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

A Bill relating to anti-human trafficking and protection (Senate, No. 2589) (on Senate bill No. 58), passed to be engrossed by the Senate was read; and it was referred, under Joint Rule 29, to the committee on Rules of the two branches, acting concurrently.

Human trafficking.

Bills

Higher education.

Relative to higher education (Senate, No. 2591) (which had been reported by the Senate committee on Ways and Means, under Senate Rule 19); and

Supplemental appropriations.

Making appropriations for the fiscal year 2010 and fiscal year 2011 to provide for supplementing certain existing appropriations and for certain other activities and projects (Senate, No. 2592) (which had been reported by the Senate committee on Ways and Means, under Senate Rule 19).

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

Reports of Committees.

Telecommunications, Utilities and Energy,—study.

By Mr. Finegold of Andover, for the committee on Telecommunications, Utilities and Energy, on House, Nos. 1152, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3085, 3086, 3088, 3089, 3090, 3091, 3092, 3093, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3104, 3105, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3118, 3120, 3121, 3122, 3123, 3125, 3126, 3127, 3128, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3511, 3512, 3513, 3514, 3762, 3764, 3765, 3766, 3849, 3850, 3851, 3982, 3983, 3984, 3985 and 3986, an Order relative to authorizing the committee on Telecommunications, Utilities and Energy to make an investigation and study of certain House documents concerning financial services (House, No. 4969). 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 said 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.

Emergency Measure.

Salem,—National Guard birthplace.

The engrossed Bill designating the city of Salem as the birthplace of the National Guard (see House, No. 1145, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 9 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed Bills

Bills re-enacted.

Further regulating funeral processions (see Senate, No. 1884, amended) (which originated in the Senate); and

Relative to tuition retention at the University of Massachusetts at Amherst (see House, No. 4835, amended) (which originated in the House);

Severally having been returned by His Excellency the Governor with recommendations of amendments, having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be re-enacted, in their amended form; and they were signed by the acting Speaker and sent to the Senate.

Engrossed bills

Validating the actions taken at a certain town election in the town of Hopkinton (see House bill printed in House, No. 4893); and

Bills enacted.

Validating the acts and proceedings of the special town election in the town of Wenham (see House bill printed in House, No. 4948);

(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 (more than two-thirds of the members having agreed to pass the same); and they were signed by the acting Speaker and sent to the Senate.

Engrossed bills

Relative to the requirements for licensing as a real estate broker or salesman (see Senate, No. 121, amended);

Bills enacted.

Relative to flea market vendors (see Senate, No. 2282, amended);

(Which severally originated in the Senate);

Authorizing the Department of Transportation to erect certain signs regarding the Southwick Zoo (see House, No. 3213);

Designating a certain bike path in the town of Millbury as the Honorable Richard J. Dwinell Memorial Blackstone Valley Bike Path (see House, No. 3218, amended);

Authorizing the city of North Adams to use reserve funds to reduce debt (see House, No. 4851);

Relative to postpartum depression (see House, No. 4859, amended);

Relative to the registration and inspection of street rods and custom vehicles (see House, No. 4871, amended);

Abolishing the board of public works in the town of Hopkinton (see House, No. 4882);

Authorizing the granting of licenses for the sale of wine at auctions (see House, No. 4908);

Protecting our natural resources (see House, No. 4943); and

Relative to abandoned vessels (see House, No. 4953);

(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 tomorrow at eleven o'clock A.M.

Next sitting.

At twenty-one minutes after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (Mr. Kafka of Stoughton being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.

Thursday, August 5, 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.

Resolutions.

Resolutions (filed with the Clerk by Mr. Barrows of Mansfield) congratulating Alan P. Humphrey on receiving the Eagle Award of the Boy Scouts of America; were referred, under Rule 85, to the committee on Rules.

Alan P. Humphrey.

Mr. Binienda of Worcester, for the committee on Rules, reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Sciortino of Medford, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communications.

Communications

From the Norfolk County Registry of Deeds (pursuant to Section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure for technological improvements from the County Registers Technological Fund (copies of the communication forwarded to the House committees on Post Audit and Oversight and Ways and Means, in accordance with said law);

Norfolk County Registry of Deeds.

From the Department of Transitional Assistance (under item 4403-2000 of Chapter 131 of the Acts of 2010) informing the General Court of insufficient funding in the transitional aid to families with dependent children account resulting in a deferred payment of the September, 2010 clothing allowance;

Family assistance,—clothing.

From the Public Employee Retirement Administration Commission submitting its annual report for the year 2009; and

PERAC,—annual report.

From the Dukes County Registry of Deeds (pursuant to Section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure for technological improvements from the County Registers Technological Fund (copies of the communication forwarded to the House committees on Post Audit and Oversight and Ways and Means, in accordance with said law);

Dukes County Registry of Deeds.

Severally were placed on file.

Special Report.

A report of the Attorney General of the Commonwealth on behalf of the special commission established (under Section 104 of Chapter 28 of the Acts of 2009) to make an investigation and study of the

Public accountability office,—establishment.

creation of a new independent office of public accountability, was placed on file.

Reports of Committees.

Edward Driscoll,— sick leave.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a joint petition, a Bill establishing a sick leave bank for Edward Driscoll (House, No. 4947). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Consumer Protection and Professional Licensure,— study.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on House, Nos. 3107, 3119, 3655 and 4535, an Order relative to authorizing the committee on Consumer Protection and Professional Licensure to make an investigation and study of certain House documents concerning consumer protection matters (House, No. 4973).

Telecommunications, Utilities and Energy,— study.

By Mr. Finegold of Andover, for the committee on Telecommunications, Utilities and Energy, on House, Nos. 1964, 3103, 3622, and 3763, an Order relative to authorizing the committee on Telecommunications, Utilities and Energy to make an investigation and study of certain House documents concerning telecommunication, utilities, energy and related matters (House, No. 4971).

Tourism, Arts and Cultural Development,— study.

By Mr. Keenan of Salem, for the committee on Tourism, Arts and Cultural Development, on House, Nos. 3143 and 3148, an Order relative to authorizing the committee on Tourism, Arts and Cultural Development to make an investigation and study of certain House documents concerning cultural development (House, No. 4972).

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.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the following bills be scheduled for consideration by the House:

Carver,— tax exemption.

Authorizing property tax exemption for certain small sheds and outbuildings in the town of Carver (Senate, No. 2255) [Local Approval Received];

Gardner,— ballot question.

Authorizing the placement of a certain question on the ballot to be used at the 2010 biennial state election in the city of Gardner (House, No. 4897) [Local Approval Received];

Milford,— Tanglewood Drive, LLC.

Authorizing the town of Milford to issue an additional license for the sale of wines and malt beverages to be drunk on the premises (House, No. 4936) [Local Approval Received];

Milford,— Paul J. Moffi.

Authorizing the town of Milford to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4937) [Local Approval Received]; and

Authorizing the town of Milford to issue an additional license for the sale of wines and malt beverages not to be drunk on the premises (House, No. 4938) [Local Approval Received]; Milford,— Tyco Inc.

Under suspension of Rule 7A, in each instance, on motion of Mr. Smizik of Brookline, the bills severally were read a second time forthwith; and they were 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:

Authorizing the town of Bolton to grant a license for the sale of all alcoholic beverages to be drunk on the premises of a certain restaurant (House, No. 4961) [Local Approval Received]; and Bolton,— alcoholic beverages.

Authorizing the town of Dracut to grant a license for the sale of wines and malt beverages not to be drunk on the premises (House, No. 4962) [Local Approval Received]; Dracut,— alcoholic beverages.

Under suspension of Rule 7A, in each instance, on motion of Ms. Wolf of Cambridge, the bills severally were read a second time forthwith; and they were ordered to a third reading.

Engrossed Bill.

The engrossed Bill designating the city of Salem as the birthplace of the National Guard (see House, No. 1145, amended) (which originated in the House), in respect to which the Senate had concurred in the adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate. Bill enacted.

Orders of the Day.

The House Bill authorizing the town of Westborough to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4736) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time. Westborough,— Sunshine Food Store.

Pending the question on passing the bill to be engrossed, Mr. Pedone of Worcester moved to amend it in line 13 by inserting after the word "applicant" the words "at the same location and under the same conditions as specified in this act".

The amendment was adopted; and the bill (House, No. 4736, amended) was passed to be engrossed. Sent to the Senate for concurrence.

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.

Accordingly, at a quarter after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on the following Monday at eleven o'clock A.M., in an Informal Session.

Monday, August 9, 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, in Whom we place our hope and trust, we open this morning's legislative session with a prayer in which we turn our thought to You and to spiritual values. We believe that You and Your assistance enable us to make right and reasoned decisions and at the same time give meaning to our daily lives and actions. We are grateful for the beautiful summer season during which we have the time to relax and to spend time with family, friends and neighbors. During these uneasy and uncertain times, may our hearts and minds be filled with Your peace and love. As we gather with constituents, inspire us to build confidence in each other and our state and federal constitutions. Teach us to work together so that the people in our diverse communities will enjoy a bright, prosperous and safe future.

Bestow Your blessings on 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.

Resolutions.

Charles Ashe.

Resolutions (filed with the Clerk by Representatives Linsky of Natick, Richardson of Framingham, Peisch of Wellesley, Sannicandro of Ashland, Dykema of Holliston and Conroy of Wayland) honoring Chief Probation Officer Mr. Charles Ashe on the occasion of his retirement from the Framingham District Court, were referred, under Rule 85, to the committee on Rules.

Mr. Binienda of Worcester, for said committee, reported, that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Sciortino of Medford, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Paper from the Senate.

North Adams,—E. John Morocco.

A petition (accompanied by bill, Senate, No. 2601) of Benjamin B. Downing and Daniel E. Bosley (with the approval of the mayor and city council) for legislation to authorize the city of North Adams to continue employment of Public Safety Commissioner E. John Morocco, was referred, in concurrence, to the committee on Public Service.

Reports of Committees.

By Mr. Kaufman of Lexington, for the committee on Revenue, on House, Nos. 2729, 3612, 4490 (as relates to section 3) and 4654, an Order relative to authorizing the committee on Revenue to make an investigation and study of certain House documents (House, No. 4974). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Revenue committee,— study.

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.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the following bills be scheduled for consideration by the House:

Protecting victims of unlicensed debt collection activity (Senate, No. 132);

Debt.

Designating a certain bridge in the town of Mansfield as the Sergeant Douglas Weddelton memorial bridge (Senate, No. 2528); and

Weddelton bridge.

Relative to compliance with reserve requirements of life insurers (Senate, No. 2542); and

Insurance,— reserves.

Establishing a sick leave bank for Edward Driscoll (House, No. 4947);

Edward Driscoll.

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.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Senate Bill relative to a lien for architects, engineers, land surveyors and site professionals (Senate, No. 2512, amended) be scheduled for consideration by the House, with the amendments previously recommended by the committee on Ways and Means,— that the bill be amended by inserting after section 1 the following section:

Site professionals,— liens.

"SECTION 1A. Said section 2A of said chapter 254, as so appearing, is hereby further amended by striking out, in line 9, the word 'two' and inserting in place thereof the words:— 2, 2C and 2D."; and in section 2, in line 72, by striking out the word "prime",— 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, as amended, was ordered to a third reading.

Engrossed Bill.

The engrossed Bill relative to the public health enterprise fund in the town of Stoughton (see House, No. 4852) (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.

Orders of the Day.

Third reading bill.

The House Bill authorizing the town of Milford to issue an additional license for the sale of wines and malt beverages to be drunk on the premises (House, No. 4936), 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.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Thursday next at eleven o'clock A.M.

Mr. Nangle of Lowell then moved that as a mark of respect to the memory of Edward A. LeLacheur, a member of the House from Lowell from 1975 to 1998, inclusive, the House adjourn; and the motion prevailed.

At nineteen minutes after eleven o'clock A.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.

Thursday, August 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.

Gracious God, for this and every day, our primary intention is to serve You, our families and our constituents in a faithful and honorable way. We look to You for assistance and guidance as we try to carry out our intention. We also look to You for direction as we organize our priorities and schedule for the day. In these times of political and economic change, we pray for reasonableness, patience, goodwill and a cooperative spirit as we dialogue together in addressing and resolving issues. Inspire us to seek goals which promote a respect for the dignity and rights of all individuals, equal opportunities for all and clearer understanding and implementation of the common good. May we try to unite all people in our communities to work together in resolving current issues and planning for the future of the Commonwealth.

Bestow Your blessings on 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.

Messages from the Governor — Bills Returned with Recommendation of Amendments.

Insurance,— nonrenewal notices

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill further regulating nonrenewal notices relative to motor vehicle liability insurance and fire insurance [see House, No. 959] (for message, see House, No. 4982) was filed in the office of the Clerk on Tuesday, August 10.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Mr. Pedone of Worcester, to the committee on Bills in the Third Reading.

Fire insurance.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill relative to the standard fire insurance policy [see House, No. 960] (for message, see House, No. 4983) was filed in the office of the Clerk on Tuesday, August 10.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Mr. Pedone of Worcester, to the committee on Bills in the Third Reading.

Tips,— pooling.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill relative to the pooling of tips [see House, No. 4814, amended] (for message, see House, No. 4984) was filed in the office of the Clerk on Monday, August 9.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Mr. Pedone of Worcester, to the committee on Bills in the Third Reading.

Message from the Governor — Veto.

Southbridge,— debt.

A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill authorizing the town of Southbridge to match debt repayment for school projects to the retirement of other outstanding debt [see House, No. 4695] (for message, see House, No. 4985), was filed in the office of the Clerk on Tuesday, August 10.

The message was read; and placed, under House Rule 12, in the Orders of the Day for the next sitting.

Communications.

Communications

Energy program.

From the Secretary of Energy and Environmental Affairs and the Department of Utilities on the Energy Pay and Save Pilot Program; and

Electronic weapons.

From the Executive Office of Public Safety and Security submitting a summary of electronic weapons use in the Commonwealth;

Severally were placed on file.

Petitions.

Petitions severally were presented and referred as follows:

Boston,— dog fines.

By Mr. Scaccia of Boston, a petition (accompanied by bill House, No. 4986) of Thomas M. Menino (with the approval of the mayor and city council) relative to the collection of fines for violations of dog laws in the city of Boston. To the committee on the Judiciary.

South Hadley,— town meeting.

By Mr. Scibak of South Hadley, a petition (accompanied by bill House, No. 4980) of John W. Scibak (by vote of the town) relative to revising the membership of town meeting of the town of South Hadley. To the committee on Municipalities and Regional Government.

Lowell,— group insurance.

By Mr. Murphy of Lowell, a petition (accompanied by bill House, No. 4981) of Kevin J. Murphy, Thomas A. Golden, Jr., and David M. Nangle (with the approval of the mayor and city council) that the city of Lowell be exempt from certain collective bargaining procedures in the purchase of group insurance policies for employees and retired employees of said city. To the committee on Public Service.

Severally sent to the Senate for concurrence.

Representative Forry of Boston and Senator Hart presented a joint petition (subject to Joint Rule 12) of Linda Dorcena Forry and John A. Hart, Jr., for legislation to establish a sick leave bank for Imani Smith, an employee of the department of youth services; and the same was referred, under Rule 24, to the committee on Rules.

Imani Smith,— sick leave.

Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Sciortino of Medford, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Representative Fernandes of Milford and Senator Moore presented a joint petition (subject to Joint Rule 12) of John V. Fernandes and Richard T. Moore for legislation to further regulate the licensing, operation and management of real estate management companies, and the same was referred, under Rule 24, to the committee on Rules.

Real estate management companies.

Reports of Committees.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the following bills be scheduled for consideration by the House for a second reading:

Clarifying the term "warehouse or other storage facility" (Senate, No. 1791);

Warehouses.

Exempting employees of the Department of Public Works in the town of Acushnet from the civil service law (House, No. 4939) [Local Approval Received]; and

Acushnet,— public works.

Improving lobster laws (House, No. 4951);

Lobster laws.

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.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on House, Nos. 230, 236, 278, 295, 301 and 4313, an Order relative to authorizing the committee on Consumer Protection and Professional Licensure to make an investigation and study of certain House documents concerning consumer issues (House, No. 4975).

Consumer Protection and Professional Licensure,— study.

By Ms. Stanley of West Newbury, for the committee on Health Care Financing, on House, No. 4513, an Order relative to authorizing the committee on Health Care Financing to make an investigation and study of a certain House document concerning critical access hospitals (House, No. 4976).

Critical hospitals,— study.

By Ms. Coakley-Rivera of Springfield, for the committee on Labor and Workforce Development, on House, No. 3916, an Order relative to authorizing the committee on Labor and Workforce Development to make an investigation and study of a certain House document concerning funeral directors (House, No. 4978).

Funeral directors,— study.

By Mr. Walsh of Lynn, for the committee on State Administration and Regulatory Oversight, on House, No. 4716, an Order relative to authorizing the committee on State Administration and Regulatory

School bus driver day,— study.

Oversight to make an investigation and study of a certain House document (House, No. 4979).

Quincy,—study.

By Mr. Wagner of Chicopee, for the committee on Transportation, on Senate, No. 2336, an Order relative to authorizing the committee on Transportation to make an investigation and study of a certain Senate document concerning the city of Quincy (House, No. 4977).

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.

Orders of the Day.

House bills

Third reading bills.

Exempting the deputy chief of police in the town of Sharon from the provisions of civil service law (House, No. 4853); and

Authorizing the town of Milford to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4937);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Edward A. Driscoll,—sick leave.

The House Bill establishing a sick leave bank for Edward A. Driscoll, an employee of the Trial Court (House, No. 4947) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Pedone of Worcester moved to amend it by adding 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 trial court.".

The amendment was adopted; and the bill (House, No. 4947, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

At twenty-five minutes after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (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.

Monday, August 16, 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.

Eternal God, we turn our thoughts to You and Your ways as we begin today's legislative session. Help us to remain faithful and committed to You and to Your spiritual values which give meaning and direction to our daily living. Each day we face challenges and moments of stress in our efforts to serve constituents honorably in these uneasy times. We believe that in You we find strength in our weakness, courage at times of discouragement and perseverance in our striving to carry out our responsibilities. May we be open to the suggestions of others in our search for truths but remain dedicated to our philosophical and religious principles and beliefs. May Your peace and the spirit of goodwill and cooperation fill our hearts and minds at all times.

Bestow Your blessings on 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.

Reports.

Expenditures,—progress reports.

From the Executive Office of Administration and Finance (under Section 17 of Chapter 86 of the Acts of 2008) on the progress and expenditures related to projects funded through said act;

Id.

From the Executive Office of Administration and Finance (under Section 64 of Chapter 303 of the Acts of 2008) on the progress and expenditures related to projects funded through said act;

Id.

From the Executive Office of Administration and Finance (under Section 25 of Chapter 304 of the Acts of 2008) on the progress and expenditures related to projects funded through said act; and

Id.

From the Executive Office of Administration and Finance (under Section 34 of Chapter 312 of the Acts of 2008) on the progress and expenditures related to projects funded through said act;

Severally were placed on file.

Petitions.

Petitions severally were presented and referred as follows:

Brian J. Dupuis,—sick leave.

By Representatives Alicea of Charlton and O'Day of Worcester, a petition (subject to Joint Rule 12) of Geraldo Alicea and James J. O'Day for legislation to establish a sick leave bank for Brian J. Dupuis, an employee of the Department of Children and Families; and

Linda Baker, — sick leave.

By Mr. Smola of Palmer, a petition (subject to Joint Rule 12) of Todd M. Smola and Stephen M. Brewer for legislation to establish a sick leave bank for Linda Baker, an employee of the Department of Developmental Services;

Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

Worcester,— dumping.

A Bill authorizing the city of Worcester to establish a pilot program for enforcement against illegal dumping (Senate, No. 2609) (on Senate bill No. 2526) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Barnstable,— sewer fund.

A petition (accompanied by bill, Senate, No. 2603) of Robert A. O'Leary (by vote of the town) for legislation to establish a sewer construction fund for the town of Barnstable, was referred, in concurrence, to the committee on Municipalities and Regional Government.

The following notice was received from the Senate, to wit:—

August 16, 2010.

Honorable Robert A. DeLeo
Speaker of the House of Representatives
Room 356, State House
Boston, MA. 02133

Dear Mr. Speaker:

In-state tuition retention.

I have the honor to inform you that the Honorable Richard R. Tisei, Senate Minority Leader, announcing the appointment of Mr. Wayne Burton, President of North Shore Community College to the Special Commission established (pursuant to Section 162 of Chapter 131 of the Acts of 2010) relative to in-state tuition retention.

Respectfully submitted,

WILLIAM F. WELCH,
Clerk of the Senate.

Reports of Committees.

Trash,— removal.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill relative to the removal of transportation of trash (House, No. 2186),— and recommending that the same be referred to the committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted.

Growth council,— study.

By Ms. Forry of Boston, for the committee on Community Development and Small Business, on Senate, No. 97, an Order relative to authorizing the committee on Community Development and Small Business to make an investigation and study of a certain Senate document (House, No. 4988).

By Ms. Walz of Boston, for the committee on Education, on House, Nos. 352, 420, 425, 431, 436, 486, 3428, 3435, and 3659, an Order relative to authorizing the committee on Education to make an investigation and study of certain House documents concerning education issues (House, No. 4989). Education,—study.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on Senate, Nos. 372, 374, 380 and 383 and House Nos. 738, 748, 817 and 853, an Order relative to authorizing the committee on Environment, Natural Resources and Agriculture to make an investigation and study of certain House documents concerning forests (House, No. 4990). Forests,—study.

By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, on House, Nos. 2261, 2273 and 4401, an Order relative to authorizing the committee on Public Safety and Homeland Security to make an investigation and study of certain House documents concerning public safety issues (House, No. 4987). Public Safety and Homeland Security,—study.

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.

Engrossed Bill.

The engrossed Bill releasing a restriction on a parcel in the town of Norwood (see House, No. 4836) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate. Bill enacted.

Orders of the Day.

The Senate Bill providing for recall in the town of Colrain (printed as House, No. 4384), 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. Third reading bill.

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.

Mr. Fernandes of Milford then moved that as a mark of respect to the memory of Emilio E. Diotalevi, a member of the House from Milford in 1973 and 1974, the House adjourn; and the motion prevailed.

At half past eleven o'clock A.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.

Thursday, August 19, 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.

Gracious God, as we begin each day, our intention is to follow and to implement Your ways and Your spiritual values in our daily living. We believe that they give meaning and direction to our decisions and actions. You and Your ways also offer us peace of mind and soul as we struggle to make the right legislative and personal choices in these uneasy political and economic times. As elected officials, teach us to plan and to work together in a reasoned manner so that our communities will be safe and prosperous now and in the future. Inspire us to propose and endorse public policy which is based on the common good, Your plans for our well-being and tradition philosophical principles. We believe that You are the source of our guidance, strength and happiness.

Bestow Your blessings on 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.

Quarterly Report.

MassDOT,—contractor payments.

The fourth quarterly report of the Department of Transportation (pursuant to Section 12 of Chapter 86 of the Acts of 2008 and Section 18 of Chapter 233 of the Acts of 2008) relative to contractor payments made by the Highway Division for fiscal year 2010, was placed on file.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Gale Malita.

Resolutions (filed by Mr. Koczera of New Bedford) honoring Gale Berube Malita on the occasion of her retirement; and

Li Zhen Yu and Jian An Chen.

Resolutions (filed by Ms. Peisch of Wellesley) honoring Li Zhen Yu and Jian An Chen for their contributions to the understanding and support of Chinese culture and language;

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. 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.

Pittsfield,—licensing board.

The House Bill relative to the composition of the licensing board for the city of Pittsfield (House, No. 4682) 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 following:

"SECTION 1. Notwithstanding the provisions of section 4 of chapter 138 of the General Laws relative to the number of members that may be appointed to a municipal licensing board to the contrary, the licensing board of the city of Pittsfield shall consist of 5 members to be appointed by the mayor, subject to confirmation by the city council. Each member shall be appointed to serve for a term of 3 years and until his successor is chosen and qualified.

SECTION 2. On the effective date of this act, the mayor, subject to confirmation by the city council, shall appoint 2 persons to serve as members of the licensing board, 1 of whom shall serve for a term of 1 year and 1 of whom shall serve for a term of 2 years. Upon the expiration of such initial 1- and 2-year terms appointed pursuant to this section, successor appointees shall serve for a term of 3 years.

SECTION 3. Those persons serving as members of the licensing board on the effective date of this act shall continue to serve as members thereof for a period of 3 years or until the expiration of their term, whichever period is shorter.".

Under suspension of Rule 35, on motion of Mr. Speranzo of Pittsfield, 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.

Community health workers.

The House Bill establishing a board of certification of community health workers (House, No. 4692, amended) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 2, in lines 109 and 110, striking out the paragraph in those lines (inserted by amendment by the House).

Under suspension of Rule 35, on motion of Mr. Sánchez 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.

Reports of Committees.

Matthew Normandeau,—sick leave.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Matthew Normandeau an employee of the Bristol County sheriff's office (House, No. 4926). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee, then reporting 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.

Mental Health and Substance Abuse,— study.

By Ms. Malia of Boston, for the committee on Mental Health and Substance Abuse, on House, Nos. 1927, 1929, 1933, 1939, 1944, 1952, 1953, 1954, 3813 and 3906, an Order relative to authorizing the committee on Mental Health and Substance Abuse to make an investigation and study of certain House documents concerning mental health and substance abuse issues (House, No. 4991).

Railroad crossings,— study.

By Mr. Wagner of Chicopee, for the committee on Transportation, on House, No. 3359, an Order relative to authorizing the committee on Transportation to make an investigation and study of a certain House document concerning transportation issues (House, No. 4992).

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.

Engrossed Bills.

Bill enacted.

The engrossed Bill validating the acts and proceedings taken at an annual town meeting held in the town of Essex (see House bill printed in House, No. 4950) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

Bills enacted.

Engrossed bills

Providing for recall in the town of Colrain (see Senate bill printed as House, No. 4384) (which originated in the Senate); and

Relative to reprecincting (see House, No. 678) (which 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.

Bill enacted.

The engrossed Bill establishing a board of certification of community health workers (see House, No. 4692, amended) (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. Mr. Pedone of Worcester moved that this vote be reconsidered; and the motion to reconsider was considered forthwith and it was negatived. The bill then was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Third reading bill.

The House Bill authorizing the town of Danvers to grant an additional license for the sale of wines and malt beverages (House, No. 4816) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

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 twenty-one minutes after twelve o'clock noon, on motion of Mrs. Poirier of North Attleborough (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.

Monday, August 23, 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, in prayer we open our hearts and minds to You as we seek Your guidance in our daily living. We believe that with Your assistance and Your spiritual gifts we see and understand legislative and personal issues more clearly in our search for truth, integrity and reasonableness. In this changing world, inspire us to follow solid human and spiritual values and principles in addressing the often complex public policy issues which come before us. In our diverse communities, teach us to work together in our common desire to build a safe and peaceful society in this troubled, often violent, world. May the well-being of the people and the Commonwealth remain our top priority.

Bestow Your blessings on 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.

Message from the Governor — Bill Returned with Recommendation of Amendments.

Natural resources,— protection.

A message from His Excellency the Governor returning with recommendation of amendments the engrossed Bill protecting our natural resources (see House, No. 4943) (for message, see House, No. 4994) was filed in the office of the Clerk on Thursday, August 19.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendments recommended by His Excellency, the bill was referred, on motion of Mr. Pedone of Worcester, to the committee on Bills in the Third Reading.

Communication.

Child abuse prevention,— plan progress.

A communication from the Office of the Child Advocate relative to the progress of the formulation of a comprehensive plan (under Section 11 of Chapter 18C of the General Laws) for a coordinated, system-wide response to child abuse and neglect, was placed on file.

Special Report.

Diesel fuel substitutes.

A report from the Department of Energy Resources (under Section 3 of Chapter 206 of the Acts of 2008) on the delayed implementation of end-use eligible Diesel substitute fuel, due to a lack of supply (copies forwarded to the House committee on Ways and

Means, the committee on Telecommunications, Utilities and Energy, the committee on Environment, Natural Resources and Agriculture and the committee on Transportation, in accordance with said law).

Reports of Committee.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the following bills be scheduled for consideration by the House:

Authorizing the city of Worcester to establish a pilot program for enforcement against illegal dumping (Senate, No. 2609) [Local Approval Received]; and

Worcester,— illegal dumping.

Relative to an intermunicipal agreement between the towns of Provincetown and Truro (House, No. 4873) [Local Approval Received];

Provincetown and Truro.

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.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Imani Smith an employee of the Department of Youth Services (House, No. 4993). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Imani Smith, — sick leave.

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.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on House, No. 602, an Order relative to authorizing the committee on Consumer Protection and Professional Licensure to make an investigation and study of a certain House document concerning raffles and bazaars (House, No. 4995).

Raffles,— study.

By Mr. Koutoujian of Waltham, for the committee on Financial Services, on House, No. 936, an Order relative to authorizing the committee on Financial Services to make an investigation and study of a certain House document concerning health insurance coverage (House, No. 4996).

Health insurance,— study.

By Mr. Torrisi of North Andover, for the committee on Higher Education, on House, Nos. 1108, 1110, 1111, 1162, 1164, 1165, 1166, 1167, 1168, 1169, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 3565, 3566, 3567, 3681, 3899, 3900, 3901, 3902, and 4471, an Order relative to authorizing the committee on Higher Education to make an investigation and study of certain House documents relating to higher education (House, No. 4997).

Higher education,— study.

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 said 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.

Emergency Measures.

Colleen Robichaud,—sick leave.

The engrossed Bill establishing a sick leave bank for Colleen Robichaud, an employee of the Registry of Motor Vehicles (see House, No. 4777), 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.

Christopher Lemoing,—sick leave.

The engrossed Bill establishing a sick leave bank for Christopher Lemoing, an employee of the Plymouth County sheriff's department (see House, No. 4925), 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.

Engrossed Bills.

Bills enacted.

Engrossed bills

Relative to the composition of the licensing board for the city of Pittsfield (see House, No. 4682, amended);

Authorizing the town of Sudbury to enter into and to extend wireless facility contracts of leases for periods in excess of 20 years (see House, No. 4715); and

Relative to the security of vital records and verification of identity (see House, No. 4910);

(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.

Orders of the Day.

Third reading bill.

The Senate Bill relative to property taxes in the town of Carver (Senate, No. 2144), 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.

Third reading bills.

House bills

Relative to the Foxborough sewer act (House, No. 4680) (it's title having been changed by the committee on Bills in the Third Reading); and

Establishing a sick leave bank for Matthew Normandeau, an employee of the Bristol County sheriff's office (House, No. 4926) (it's title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

The House Bill to further clarify the Nantucket Island Land Bank Act regarding real property interests subject to the land banks acts transfer fee (House, No. 4106), was read a third time. Third reading bill amended.

The committee on Bills in the Third Reading reported recommending that the bill be amended by substitution of a bill with the same title (House, No. 4998), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

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 sixteen minutes after eleven o'clock A.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.

Thursday, August 26, 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.

Gracious God, in Whom we place our trust and hope, as we begin this morning's legislative session we focus our thoughts on You and spiritual matters. We believe that You and Your assistance enable us to set reasoned and sound priorities for each and every day in our struggle to live according to Your ways and commandments. We also believe that You have a personal interest in our human and spiritual well-being for You are a personal God, Our Creator. In Your goodness, help us, as elected representatives of the people, to address, to the best of our ability, the needs and concerns of the people who look to us for leadership. May we have the enthusiasm and the wisdom to resolve the many issues which few face in these difficult times.

Bestow Your blessings on 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.

Silent Prayer.

Kathleen Morelli.

At the request of the Chair, the members, guests and employees stood for a moment of silent prayer in respect to the memory of Kathleen Morelli who passed away on Monday, August 23. The beloved Mrs. Morelli was the mother of Toby Morelli, the Deputy Chief of Staff/Legislative Director for Speaker Robert A. DeLeo.

Communications.

Communications

UMASS joint pharmacy school,—appointments.

From the University of Massachusetts consisting of two letters notifying the General Court of the appointment of Edward W. Collins, Jr., and Stephen P. Tocco to the special commission established (under Section 153 of Chapter 131 of the Acts of 2010) to study the University of Massachusetts at Amherst and the University of Massachusetts at Lowell jointly establishing a public school of pharmacy; and

In-state tuition retention,—UMASS appointments.

From the University of Massachusetts consisting of two letters notifying the General Court of the appointment of David J. Gray and James Julian to the special commission established (under Section 162 of Chapter 131 of the Acts of 2010) to make an investigation and study relative to higher education in-state tuition retention;

Severally were placed on file.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Vallee of Franklin) congratulating Sean Patrick Mateus McKeown on receiving the Eagle Award of the Boy Scouts of America; Sean McKeown.

Resolutions (filed by Mr. Vallee of Franklin) congratulating Reed Matthew Turgeon on receiving the Eagle Award of the Boy Scouts of America; Reed Turgeon.

Resolutions (filed by Mr. Vallee of Franklin) congratulating John Paul Vetrano on receiving the Eagle Award of the Boy Scouts of America; John Vetrano.

Resolutions (filed by Representatives Bowles of Attleboro and Poirier of North Attleborough) congratulating Chief Ronald Churchill on his forty-four years of service to the city of Attleboro; Ronald Churchill.

Resolutions (filed by Mr. D'Amico of Seekonk) congratulating Kenneth Bruce Edward Martin on receiving the Eagle Award of the Boy Scouts of America; Kenneth Martin.

Resolutions (filed by Mr. Fagan of Taunton) congratulating Mr. and Mrs. Ronald Medeiros on the occasion of their fiftieth wedding anniversary; and Ronald and Audrey Medeiros.

Resolutions (filed by Mr. Lewis of Winchester) commemorating the rededication of George T. Davidson Park; George T. Davidson Park.

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. Sciortino of Medford, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Messrs. Naughton of Clinton and Pedone of Worcester presented a petition (subject to Joint Rule 12) of Harold P. Naughton, Jr., and Vincent A. Pedone for legislation to establish a sick leave bank for Richard Maypother, Jr., an employee of the Department of Correction; and the same was referred, under Rule 24, to the committee on Rules. Richard Maypother, Jr.,—sick leave.

Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Pedone, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Mr. Spellane of Worcester (by request) presented a petition (subject to Joint Rule 12) of Kathryn Urbanowski for the issuance by the Governor of an annual proclamation setting apart the month of September as Childhood Cancer Awareness Month; and the same was referred, under Rule 24, to the committee on Rules. Childhood Cancer Awareness Month.

Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Pedone of Worcester, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

Papers from the Senate.

Pepperell,—alcoholic beverages licenses.

The House Bill authorizing the placement of a certain question on the ballot to be used at the November 2010 biennial state election in the town of Pepperell relative to the sale of alcoholic beverages (House, No. 4846) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out section 1 and inserting in place thereof the following section:

"SECTION 1. (a) Notwithstanding section 11 of chapter 138 of the General Laws, the state secretary shall cause to be placed on the official ballot to be used in the town of Pepperell at the biennial state election to be held in November in the year 2010 the following question:

'Shall licenses be granted in this town for the sale of all alcoholic beverages (whiskey, rum, gin, malt beverages, wines and all other alcoholic beverages) to be drunk on the premises of restaurants?

Yes_____No_____.'

If a majority of the votes cast in answer to that question is in the affirmative, the town of Pepperell may grant licenses for the sale of all alcoholic beverages to be durnk on the premises of restaurants. The licenses shall be subject to said chapter 138.

(b) The town counsel of the town of Pepperell shall cause a summary of the question to be printed on the ballot along with the question as stated in subsection (a).".

Under suspension of Rule 35, on motion of Mr. Hargraves of Groton, 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.

Cape and Vineyard Electric Cooperative, Inc.

A petition of Robert A. O'Leary and Timothy R. Madden for legislation to clarify the application of Chapter 156B, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Telecommunications, Utilities and Energy.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2613) was referred, in concurrence, to the committee on Telecommunications, Utilities and Energy.

Reports of Committees.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the following bills be scheduled for consideration by the House:

Town managers.

Relative to the appointment of executive secretaries and town managers (Senate, No. 793);

Water meters.

Relative to tampering with water company meters (Senate, No. 1486);

Seniors' safety.

Authorizing the establishment of senior citizen safety zones (House, No. 543);

Rehoboth.

Authorizing the town of Rehoboth to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4847) [Local Approval Received]; and

Collective bargaining.

Relative to collective bargaining agreements (House, No. 4891);

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.

By Mr. Moran of Boston, for the committee on Election Laws, on a petition, a Bill directing the Secretary of the Commonwealth to place a certain nonbinding question on the biennial state election ballot in the city of New Bedford (House, No. 4970) [Local Approval Received]. New Bedford,—ballot.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to the signing of warrants for payment in the town of Pembroke (House, No. 4918) [Local Approval Received]. Pembroke,—warrants.

By the same member, for the same committee, on a petition, a Bill relative to South Hadley town meetings (House, No. 4980) [Local Approval Received]. South Hadley,—town meeting.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

By Mr. Walsh of Lynn, for the committee on State Administration and Regulatory Oversight, on House, Nos. 2986, 3008, 3021, 3027, 3028, 3029, 3030, 3031, 3032, 3034, 3047, 3494 and 3618, an Order relative to authorizing the committee on State Administration and Regulatory Oversight to make an investigation and study of certain House documents concerning state administration and regulatory oversight issues (House, No. 4999). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently. State Administration and Regulatory Oversight,—study.

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.

Engrossed Bills.

The engrossed Bill establishing a sick leave bank for Colleen Robichaud, an employee of the Registry of Motor Vehicles (see House, No. 4777), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate. Bill enacted.

Engrossed bills

Relative to property taxes in the town of Carver (see Senate, No. 2144) (which originated in the Senate); Bills enacted.

Authorizing the transfer of location of a certain license for the sale of all alcoholic beverages to be drunk on the premises in the town of Westborough (see House, No. 4735);

Authorizing the town of Westborough to grant an additional license for the sale of all alcoholic beverages not to be dunk on the premises (see House, No. 4736, amended); and

Placing a certain question on the ballot to be used at the November 2010 biennial state election in the town of Pepperell relative to the sale of alcoholic beverages (see House, No. 4846, 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.

Orders of the Day.

Beavers,— control.

The engrossed Bill protecting our natural resources (see House, No. 4943), which had been returned by His Excellency the Governor with recommendation of amendments (for message, see House, No. 4994) was considered.

The amendments recommended by the Governor then were adopted in the following form (as approved by the committee on Bills in the Third Reading):

In Section 1 (as engrossed) by striking out the last sentence and inserting in place thereof the following sentence:— "If the director, in consultation with the state department of public health, determines that such a threat exists, it shall immediately issue the emergency permit to alleviate the existing threat to human health and safety for a period not exceeding 10 days."; and

In Paragraph 5 of G.L. 131, § 80A, as amended by House Bill No. 4943, by striking out the last sentence and inserting in place thereof the following sentence:— "If the director, in consultation with the state department of public health, determines that such a threat to human health or safety exists, as defined in this section, the director shall immediately issue an extension permit.".

Sent to the Senate for its action.

House bills

Third reading bills.

Exempting clerical positions in the town of Billerica from the civil service law (House, No. 4391) (its title having been changed by the committee on Bills in the Third Reading);

Authorizing the town of Milford to issue an additional license for the sale of wines and malt beverages not to be drunk on the premises (House, No. 4938);

Authorizing the town of Dracut to grant a license for the sale of wines and malt beverages not to be drunk on the premises (House, No. 4962); and

Establishing a sick leave bank for Imani Smith, an employee of the Department of Youth Services (House, No. 4993) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Third reading bill amended.

The House Bill establishing a post employment benefits trust fund in the town of Wayland (House, No. 4319) was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be amended by substitution of a Bill establishing a postemployment benefits trust fund in the town of Wayland (House, No. 5005), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

At eight minutes after twelve o'clock noon, on motion of Mrs. Poirier of North Attleborough (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.

Monday, August 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).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

Most Gracious God, we pause for a moment of prayer and reflection as we begin this morning's legislative session. We try to clear our minds of our many obligations, distractions and duties and turn them to You, our Creator and spiritual matters. With Your assistance, we believe, we are able to give direction, meaning and purpose to our busy daily lives. Inspire us to be aware of Your constant presence and available help at all times. In dealing with current and often controversial legislative issues and public policy matters may we have the wisdom to make right, ethical and reasoned decisions. May the spirit of mutual understanding, good will and respect for each individual fill our hearts and minds in resolving national and local challenges.

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.

Resolutions.

Blackstone River Valley National Historical Park.

Resolutions (filed with the Clerk by Representatives Peterson of Grafton, Callahan of Sutton, Fernandes of Milford, Frost of Auburn and Kujawski of Webster) memorializing the Congress of the United States to establish the Blackstone River Valley National Historical Park, were referred, under Rule 85, to the committee on Rules.

Mr. Binienda of Worcester, for said committee, reported, that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Peterson, 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:

Nanette Maltais,— sick leave.

By Representative Falzone of Saugus and Senator DiDomenico, joint petition (subject to Joint Rule 12) of Mark V. Falzone, Sal N. DiDomenico and others for legislation to establish a sick leave bank for Nanette Maltais, an employee of the Department of Revenue; and

Tara Reilly,— sick leave.

By Mr. Speranzo of Pittsfield, petition (subject to Joint Rule 12) of Christopher N. Speranzo for legislation to establish a sick leave bank for Tara Reilly, an employee of the Department of Children and Families;

Severally, under Rule 24 to the committee on Rules.

Paper from the Senate.

The House Bill relative to the charter of the city known as the town of Franklin (House, No. 4845) came from the Senate passed to be engrossed, in concurrence, with amendments in section 15, in line 68, striking out the word "council" and inserting in place thereof the word "administrator"; striking out section 22 and inserting in place thereof the following section:

Franklin,— city charter.

"SECTION 22. Said charter is hereby further amended by striking out section 6-7-1 and inserting in place thereof the following section:—

6-7-1 The town administrator shall submit to the town council and file copies with the finance committee a 5-year capital improvements program which shall include: (a) a clear summary of its contents; (b) a list of all capital improvements proposed to be undertaken during the next 6 fiscal years, together with supporting data; (c) cost estimates, methods of financing and recommended time schedules; and (d) the estimated annual cost of operating and maintaining any facility to be constructed or acquired."; and striking out section 27 and inserting in place thereof the following section:

"SECTION 27. The state secretary shall cause the following 2 questions to be placed on the official ballot to be used in the city known as the town of Franklin at the biennial state election to be held on November 2, 2010:—

Shall sections 1 to 7, inclusive, sections 10 to 13, inclusive, and sections 15 to 25, inclusive, of an act passed by the General Court in the year 2010 entitled 'An Act Relative to the Charter of the City known as the Town of Franklin', be accepted?

Shall the Town Treasurer-Collector be appointed, as provided in Sections 8, 9, 14 and 26 of that act, rather than elected?".

Under suspension of Rule 35, on motion of Mr. Vallee of Franklin, 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. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the following House bills be scheduled for consideration by the House:

Directing the Secretary of the Commonwealth to place a certain nonbinding question on the biennial state election ballot in the city of New Bedford (House, No. 4970) [Local Approval Received]; and

New Bedford,— ballot question.

Relative to South Hadley town meetings (House, No. 4980);

South Hadley.

Under suspension of Rule 7A, in each instance, on motion of the Mr. Smizik of Brookline, the bills were read a second time forthwith; and they were ordered to a third reading.

By Ms. Stanley of West Newbury, for the committee on Health Care Financing, on House, Nos. 124, 138, 140, 170, 171, 188, 910, 944, 946, 948, 962, 973, 975, 1028, 1048, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1090,

Health Care Financing,— study.

Health Care Financing,—study.

1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1105, 1106, 1107, 1924, 1926, 1934, 1935, 1936, 1937, 1938, 1940, 1947, 1948, 1949, 1950, 1951, 1955, 1956, 1957, 1958, 1962, 2024, 2027, 2030, 2045, 2050 and 2088, an Order relative to authorizing the committee on Health Care Financing to make an investigation and study of certain House documents concerning health care financing issues (House, No. 5006). 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.

Harwich,—liquor licenses.

Report of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10), on the recommitted petition (accompanied by bill, House, No. 4586) of Sarah K. Peake and Robert A. O' Leary (by vote of the town) that the town of Harwich be authorized to issue three additional licenses for the sale of all alcoholic beverages to be drunk on the premises.

Under suspension of the rules, on motion of Mr. Speliotis of Danvers, the report was considered forthwith. Pending the question on acceptance of the report, the petition was recommitted, on further motion of the same member.

Belmont,—liquor licenses.

Report 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. 4894) of William N. Brownsberger and Steven A. Tolman (by vote of the town) that the town of Belmont be authorized to grant liquor licenses for the sale of all alcoholic beverages.

Under suspension of the rules, on motion of Mr. Brownsberger of Belmont, the report was considered forthwith. Pending the question on acceptance of the report, the petition was recommitted, on further motion of the same member.

Dedham,—liquor licenses.

Report 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. 4896) of Paul McMurtry (by vote of the town) for legislation to authorize the town of Dedham to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises.

Under suspension of the rules, on motion of Mr. McMurtry of Dedham, the report was considered forthwith. Pending the question on acceptance of the report, the petition was recommitted, on further motion of the same member.

Orders of the Day.

Gardner,—ballot question.

The House Bill authorizing the placement of a certain question on the ballot to be used at the 2010 biennial state election in the city of Gardner (House, No. 4897) (its title having been changed by the committee on Bills in the Third Reading) was read a third time.

Pending the question on passing 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 authorize forthwith the state secretary to place a certain local question on the state ballot, 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. 4897, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Emergency Measure.

Gardner,— ballot question.

The engrossed Bill authorizing the placement of a certain question on the ballot to be used at the 2010 biennial state election in the city of Gardner (House, No. 4897, 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.

Engrossed Bills.

Bill enacted.

The engrossed Bill establishing a sick leave bank for Christopher Lemoing, an employee of the Plymouth County sheriff's department (see House, No. 4925) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Id.

The engrossed Bill authorizing the city of Everett to create an inspectional services department in the city of Everett (see House, No. 4697) (which originated in the House), having been certified by the Clerk to 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.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Thursday next at eleven o'clock A.M.

At two minutes before twelve o'clock noon, on motion of Mrs. Poirier of North Attleborough (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.

Thursday, September 2, 2010.

Met according to adjournment at eleven o'clock A.M., in an Informal Session, with Mr. Kafka of Stoughton 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. Kafka), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Appointment of the Minority Leader.

Higher education in-state tuition retention.

The Minority Leader announced that he had appointed Carole Cowan, President of Middlesex Community College, as his designee to serve on the special commission established (under Chapter 131 of the Acts of 2010) to make an investigation and study relative to higher education in-state tuition retention.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Concord,—anniversary.

Resolutions (filed by Ms. Atkins of Concord) congratulating the town of Concord on the occasion of its three hundred and seventy fifth anniversary;

Megan Taylor.

Resolutions (filed by Mr. Koczera of New Bedford) congratulating Megan Taylor on being recognized as the reigning Miss Apple Peach 2009;

Framingham History Center.

Resolutions (filed by Representatives Richardson of Framingham and Sannicandro of Ashland) honoring the Framingham History Center's commemoration of the ninetieth anniversary of the women's suffrage movement; and

Doris M. Donovan.

Resolutions (filed by Mr. Stanley of Waltham) congratulating Doris M. Donovan on the occasion of her eightieth birthday;

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 Ms. Provost of Somerville, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communication.

UMass,—joint pharmacy school.

A communication from Robert C. Holub, Chancellor of the University of Massachusetts at Amherst, naming James V. Staros, Provost and Senior Vice-Chancellor for Academic Affairs at said university, as his designee to the special commission established (pursuant to Section 153 of Chapter 131 of the Acts of 2010) to study the University of Massachusetts at Amherst and the University of Massachusetts at Lowell jointly establishing a public school of pharmacy, was placed on file.

Annual Report.

An annual report of the Executive Office of Housing and Economic Development (under the provisions of Section 6B (g) of Chapter 40J of the General Laws) relative to the operating plan of the Massachusetts Broadband Institute for the fiscal year 2010, as amended (copies forwarded to the House committee on Ways and Means, the committee on Telecommunications, Utilities and Energy, the committee on Environment, and the committee on Economic Development and Emerging Technologies, in accordance with said law), was placed on file.

Broadband Institute,— annual report.

Petition.

Mr. Falzone of Saugus presented a petition (accompanied by bill, House, No. 5007) of Mark V. Falzone, Sal N. DiDomenico, Thomas M. McGee and Kathi-Anne Reinstein (by vote of the town) relative to amending the charter of the town of Saugus; and the same was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Saugus,— charter.

Report of a Committee.

Mr. Binienda of Worcester, for the committee on Rules, on the Order relative to authorizing the committee on Public Service to make an investigation and study of certain House documents concerning matters relative to active and retired public employees (House, No. 4694) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1881) of Todd M. Smola and Stephen M. Brewer relative to the appointment of the treasurer of Palmer fire district number one and Palmer water district number one,— and recommending that the same be recommitted to the committee on Public Service. Under Rule 42, the report was considered forthwith; and it was accepted.

Palmer,— fire and water district.

Reconsideration.

Mr. Pedone of Worcester moved that the vote be reconsidered by which the House, on Thursday last, adopted amendments recommended by the Governor to the engrossed Bill protecting our natural resources (see House, No. 4943, amended); and the motion to reconsider was considered forthwith; and it prevailed.

Natural resources,— protect.

Pending the recurring question on adoption of the amendments recommended by the Governor, the bill was recommitted to the committee on Bills in the Third Reading, on further motion of the same member.

Orders of the Day.

The Senate Bill authorizing the city of Worcester to establish a pilot program for enforcement against illegal dumping (Senate, No. 2609), 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.

Third reading bill.

House bills

Third reading bills.

Exempting all employees of the Department of Public Works in the town of Acushnet from the civil service law (House, No. 4939) (its title having been changed by the committee on Bills in the Third Reading); and

Relative to South Hadley town meetings (House, No. 4980);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills

Bills enacted.

Authorizing the city of Worcester to establish a pilot program for enforcement against illegal dumping (see Senate, No. 2609) (which originated in the Senate);

Establishing the Caleb Chase gift account for the town of Harwich (see House, No. 4587);

Relative to the charter of the town of Franklin (see House, No. 4845); and

Authorizing the town of Dracut to grant a license for the sale of wines and malt beverages not to be drunk on the premises (see House, No. 4962);

(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,—

Next sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Tuesday next at eleven o'clock A.M.

At seven minutes before twelve o'clock noon, on motion of Mr. deMacedo of Plymouth (Mr. Kafka of Stoughton being in the Chair), the House adjourned, to meet the following Tuesday at eleven o'clock A.M., in an Informal Session.

Tuesday, September 7, 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.

Gracious God, in prayer we open our hearts and minds to You and direct our attention and thoughts to spiritual matters. During the course of this day, may we keep in mind that we live each moment of the day in Your presence. We believe that Your assistance is always available to us as we address the day's opportunities and challenges for serving You, our families and our constituents faithfully. As we begin a new academic year, we wish great success to our students, teachers and administrators. May our students be prepared to meet their current and future needs as citizens and the needs of the Commonwealth and the nation. Teach us to work together to build confidence and trust in our constituents and in each other and in basic human and spiritual values.

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.

Message from the Governor — Bill Returned with Recommendation of Amendment.

Sudbury,— wireless facility contracts.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill authorizing the town of Sudbury to enter into and to extend wireless facility contracts or leases for periods in excess of 20 years (see House, No. 4715) (for message, see House, No. 5009) was filed in the office of the Clerk on Thursday, September 2.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment.".

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Mr. Pedone of Worcester, to the committee on Bills in the Third Reading.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Robert L. Cammarata.

Resolutions (filed with the Clerk by Representatives Fagan of Taunton, Haddad of Somerset and Canessa of New Bedford) congratulating Robert L. Cammarata on the occasion of his retirement; and

Arts in Education Week.

Resolutions (filed by Ms. Walz of Boston) recognizing the Massachusetts Cultural Council and Arts/Learning at Walnut Hill in the town of Natick in their celebration of the week of September 12, 2010, as Arts in Education Week;

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. Smizik of Brookline, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Quarterly Report.

Unemployment insurance.

A quarterly report of the Executive Office of Labor and Workforce Development (under Section 142 of the Acts of 2003) relative to the condition of the Commonwealth's Unemployment Insurance Trust Fund for August, 2010, was placed on file.

Paper from the Senate.

Middleborough,—charter.

A petition (accompanied by bill, Senate, No. 2617) of Marc R. Pacheco, Stephen R. Canessa, William M. Straus and Thomas J. Calter (by vote of the town) for legislation to amend the charter of the town of Middleborough, was referred, in concurrence, to the committee on Municipalities and Regional Government.

Reports of Committees.

Nanette Maltais,—sick leave.

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 joint petition of Mark V. Falzone, Sal N. DiDomenico and others for legislation to establish a sick leave bank for Nanette Maltais, an employee of the Department of Revenue. Under suspension of the rules, on motion of Mr. Kafka of Stoughton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Health Care Financing,—study.

By Ms. Stanley of West Newbury, for the committee on Health Care Financing, on House, Nos. 892, 1004, 2037, 2140, 2215, 3595, 3898 and 4658, an Order authorizing the committee on Health Care Financing to make an investigation and study of certain House documents concerning health care financing (House, No. 5008). 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.

Belmont,—quarterly taxes.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill relative to quarterly tax billing in the town of Belmont (House, No. 4901) [Local Approval Received], be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Ms. Wolf of Cambridge, the bill was read a second time forthwith; and it was ordered to a third reading.

Engrossed Bills.

Engrossed bills

Exempting certain clerical positions in the town of Billerica from the civil service law (see House, No. 4391); Bills enacted.

Authorizing the town of Milford to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 4937); and

Authorizing the town of Milford to grant an additional license for the sale of wines and malt beverages not to be drunk on the premises (see House, No. 4938);

(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.

Orders of the Day.

The House Bill directing the State Secretary to place a certain non-binding question on the biennial state election ballot in the city of New Bedford (House, No. 4970) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence. Third reading bill.

The House Bill expanding the residency preference afforded under the civil service law to candidates for appointment as Brookline Police Officers to include graduates of Brookline High School (House, No. 4197), was read a third time. Third reading bill amended.

The committee on Bills in the Third Reading reported with a recommendation to amend the bill by substitution of a Bill relative to appointments to the town of Brookline police department (House, No. 5010), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

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 nineteen 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 adjourned, to meet the following Thursday at eleven o'clock A.M., in an Informal Session.

Thursday, September 9, 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, in Whom we place our hope and trust, our personal intention for the day is to serve You, our constituents and our families conscientiously and honorably. As we set our agenda for this day teach us to keep all legislative and personal matters and issues in proper prospective. We pray for the wisdom to make objective judgments, the courage to remain faithful to our basic principles and the determination to offer You our best and sincere efforts. Today the Jewish community around the world is observing and celebrating Rosh Hashanah, the Jewish New Year. We join our Jewish associates and friends in observing this special day and wish them peace, good health and happiness.

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.

Resolutions.

Roberta G. Doering.

Resolutions (filed with the Clerk by Ms. Sandlin of Agawam) on the occasion of Roberta G. Doering school naming ceremony, were referred, under Rule 85, to the committee on Rules.

Mr. Binienda of Worcester, for said committee, reported, that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Pedone of Worcester, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communication.

UMass,—joint pharmacy school.

A communication from the Chancellor of the University of Massachusetts Lowell informing the General Court of the appointment of Dr. Ahmed Abdelal, Provost at the University of Massachusetts Lowell, as his designee to the special commission established (under Section 153 of Chapter 131 of the Acts of 2010) to study the University of Massachusetts at Amherst and the University of Massachusetts at Lowell jointly establishing a public school of pharmacy, was spread upon the records of the House and placed on file.

Petitions.

Petitions severally were presented and referred as follows:

Northborough,—liquor license.

By Representative Naughton of Clinton and Senator Chandler, a joint petition (accompanied by bill House, No. 5013) of Harold P.

Naughton, Jr., Harriette L. Chandler and others (by vote of the town) that the town of Northborough be authorized to issue a license for the sale of alcoholic beverages to be located at "The Shops@20" in said town. To the committee on Consumer Protection and Professional Licensure.

Tisbury,— water supply.

By Representative Madden of Nantucket and Senator O'Leary, a joint petition (accompanied by bill House, No. 5014) of Timothy R. Madden and Robert A. O'Leary (by vote the town) relative to the establishment of a water supply system in the town of Tisbury; and

Northborough,— park land.

By Representative Naughton of Clinton and Senator Chandler, a joint petition (accompanied by bill House, No. 5015) of Harold P. Naughton, Jr., Harriette L. Chandler and others (by vote of the town) for legislation to authorize the town of Northborough to transfer certain land from the parks and recreation commission to the board of selectmen of said town;

Severally to the committee on Municipalities and Regional Government.

Clinton,— civil service.

By Representative Naughton of Clinton and Senator Chandler, a joint petition (accompanied by bill House, No. 5016) of Harold P. Naughton, Jr., Harriette L. Chandler and Jennifer L. Flanagan (by vote of the town) that the town administrator of the town of Clinton be granted certain authority relative to the appointment and removal of personnel employed by said town; and

North Andover,— Christopher M. Dufresne.

By Mr. Torrisi of North Andover, a petition (accompanied by bill House, No. 5011) of David M. Torrisi, Bruce E. Tarr and others (by vote of the town) that the town of North Andover be authorized to appoint Christopher M. Dufresne as a fire fighter in said town, notwithstanding the maximum age requirements;

Severally to the committee on Public Service.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

Liquor,— seasonal licenses.

By Mr. Rush of Boston, a petition (subject to Joint Rule 12) of Michael F. Rush for legislation to authorize the issuance of seasonal licenses for the sale of alcoholic beverages to certain fraternal organizations and golf courses.

Charitable organizations,— liquor licenses.

By the same member, a petition (subject to Joint Rule 12) of Michael F. Rush that cities and towns be authorized to grant licenses for the sale of alcoholic beverages to charitable organizations, notwithstanding certain restrictions on the issuance of such licenses.

Severally, under Rule 24, to the committee on Rules.

Paper from the Senate.

Meridyth L. Reith,— sick leave bank.

The House Bill establishing a sick leave bank for Meridyth L. Reith, an employee of the Department of Environmental Protection (House, No. 4575), 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 following:

"Notwithstanding any general or special law or rule or regulation to the contrary, the department of environmental protection shall establish a sick leave bank for Meridyth L. Reith, an employee of the department. Any employee of the department may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Meridyth L. Reith. Whenever Meridyth L. Reith terminates employ-

Meridyth L. Reith,— sick leave bank.

ment with the department or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the extended illness leave bank. 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.”.

Under suspension of Rule 35, on motion of Ms. Provost of Somerville, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith.

Mr. Pedone of Worcester then moved that the House concur with the Senate in its amendment with a further amendment by striking out all after the enacting clause (inserted by amendment by the Senate) and inserting in place thereof the following:

“Notwithstanding any general or special law or rule or regulation to the contrary, the department of environmental protection shall establish a sick leave bank for Meridyth L. Reith, an employee of the department. Any employee of the department and any employee of the state fire marshal may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Meridyth L. Reith in the care of her daughter Charlize. Whenever Meridyth L. Reith terminates employment with the department or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the extended illness leave bank. 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 further amendment was adopted.

The House then concurred with the Senate in its amendment, as amended. Sent to the Senate for concurrence in the further amendment.

Reports of Committees.

Pembroke,— warrants.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill relative to the signing of warrants for payment in the town of Pembroke (House, No. 4918) [Local Approval Received], be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Straus of Mattapoisett, the bill was read a second time forthwith; and it was ordered to a third reading.

Transportation,— study.

By Mr. Wagner of Chicopee, for the committee on Transportation, on House, Nos. 3174, 3240, 3635, 3640, 4394, 4569, 4581 and 4685, an Order relative to authorizing the committee on Transportation to make an investigation and study of certain House documents concerning matters before the committee (House, No. 5012). 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.

Emergency Measure.

The engrossed Bill establishing a sick leave bank for Edward A. Driscoll, an employee of the Trial Court (see House, No. 4947, 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.

Edward A. Driscoll,— sick leave bank.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 8 to 0. Sent to the Senate for concurrence.

Engrossed Bill and Resolve.

The engrossed Bill exempting the deputy chief of police in the town of Sharon from the civil service law (see House, No. 4853) (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.

The engrossed Resolve designating a certain act of 2008 as "Darnell's Law" (see House, No. 1139) (which severally originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed; and it was signed by the acting Speaker and sent to the Senate.

Resolve passed.

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 a quarter after eleven o'clock A.M., on motion of Mr. Hill of Ipswich (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.

Monday, September 13, 2010.

Met at five minutes after 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).

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.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Dr. Leonard J. Morse.

Resolutions (filed by Messrs. Binienda of Worcester, Fresolo of Worcester, O'Day of West Boylston, Pedone of Worcester and Spellane of Worcester) congratulating Dr. Leonard J. Morse on the occasion of his retirement from his position as public health commissioner of the city of Worcester;

Wellesley Service League.

Resolutions (filed by Ms. Peisch of Wellesley) honoring the Wellesley Service League for its contributions to the community and commitment to working with people with disabilities; and

Pet Microchip Day.

Resolutions (filed by Mr. Scibak of South Hadley) recognizing the Massachusetts Veterinary Medical Association on its organization of the 2010 Pet Microchip Day;

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. 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.

Annual Report.

Capital Resource Company.

The annual report of the Capital Resource Company (under Section 12 of Chapter 816 of the Acts of 1977) describing the formation and current status of said company, was placed on file.

Paper from the Senate.

Sick leave banks.

A Bill establishing a sick leave bank for Holly Ann Beaumier, an employee of the office of Medicaid and establishing a sick leave bank for John S. Bain, an employee of the University of Massachusetts at Lowell (Senate, No. 2618) (on Senate bill No. 2538), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reports of Committees.

Environment, Natural Resources and Agriculture,—study.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on Senate Nos. 385, 386, 394, 411, 415, 431 and 441 and House, Nos. 703, 721, 722, 778, 779, 780, 815, 818, 850, 3441, 3442, 3554 and 3808, an Order relative to authorizing

the committee on Environment, Natural Resources and Agriculture to make an investigation and study of certain Senate and House documents concerning hazardous materials, flood control and various other environmental issues (House, No. 5020).

Municipalities and Regional Government,—study.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on House, Nos. 597, 609, 1115, 1902, 1918, 1919, 1967, 1968, 1970, 1972, 1973, 1974, 1975, 1981, 1982, 1983, 1984, 1985, 1986, 1994, 1995, 1997, 1999, 2000, 2001, 2002, 2003, 2004, 2007, 2008, 2014, 2015, 2016, 3409, 3466, 3467, 3469, 3474, 3587, 3590, 3699, 3814, 3815, 3818, 3820, 3821, 3822, 3825, 3908, 3909, 4226, 4241, 4317 and 4393, an Order relative to authorizing the committee on Municipalities and Regional Government to make an investigation and study of certain House documents concerning pet control, variances, foreclosures and other related matters (House, No. 5019).

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.

Engrossed Bills.

Bill enacted.

The engrossed Bill establishing a sick leave bank for Edward A. Driscoll, an employee of the Trial Court (see House, No. 4947, amended) (which originated in the House), in respect to which the Senate had concurred in the adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Engrossed bills

Bills enacted.

Exempting all employees of the department of public works in the town of Acushnet from the civil service law (see House, No. 4939); and

Relative to South Hadley town meeting members (see House, No. 4980);

(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 it were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Beavers,—control.

The recommitted engrossed Bill protecting our natural resources (see House, No. 4943), which had been returned to the House by His Excellency the Governor with recommendation of amendments (for message, see House, No. 4994), was considered.

The committee on Bills in the Third Reading reported recommending that on the recurring question on adoption of the amendments recommended by the Governor, as previously adopted by the House, that they be further amended by striking out the text contained therein and inserting in place thereof the following:

Beavers,— control.

"SECTION 1. The third paragraph of section 80A of chapter 131 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the third and fourth sentences and inserting in place thereof the following 2 sentences:— If no response is provided by the municipal board of health within 10 calendar days or the application is denied, the applicant or the applicant's duly authorized agent may transfer the application for the emergency permit to the director. If the director, in consultation with the state department of public health, determines that such a threat exists, it shall immediately issue the emergency permit to alleviate the existing threat to human health and safety for a period not exceeding 10 days.

SECTION 2. Said section 80A of said chapter 131, as so appearing, is hereby further amended by striking out the fifth paragraph and inserting in place thereof the following paragraph:—

If the threat to human health and safety has not been alleviated within the 10-day period, the applicant or his duly authorized agent shall apply to the granting authority for an extension permit to continue the use of alleviation techniques specified in this section for a period not exceeding 30 days. If the granting authority, in consultation with the state department of public health, determines that such a threat to human health or safety exists, as defined in this section, the granting authority shall immediately issue an extension permit.

SECTION 3. Said section 80A of said chapter 131, as so appearing, is hereby further amended by striking out, in lines 78, 79 and 86, the word 'director' and inserting in place thereof, in each instance, the following words:— 'granting authority'.

SECTION 4. Said section 80A of said chapter 131, as so appearing, is hereby further amended by striking out, in lines 88 to 90, inclusive, the words 'any or all of the previous four paragraphs shall not preclude the applicant or his duly authorized agent from applying to the municipal board of health' and inserting in place thereof the following words:— this section shall not preclude the applicant or his duly authorized agent from applying to the municipal board of health or division.

SECTION 5. Said section 80A of said chapter 131, as so appearing, is hereby further amended by striking out the eighth and ninth paragraphs and inserting in place thereof the following paragraph:—

Every board of health within the commonwealth that issues an emergency permit under this section shall report annually to the division the number of permit applications, the number of permits granted, the location for which the emergency permits were authorized, the results of granting the emergency permits and other information that may be required by the division. The division shall provide a report annually to the joint committee on environment, natural resources and agriculture on the aggregation of the boards of health reports, the number of permit applications the division received, the number of permits it granted, the location for which the emergency permits were authorized, the results of granting the emergency permits and recommendations regarding wildlife management under this section.".

The further amendment was adopted, thus precluding a vote on the amendments recommended by the Governor. Sent to the Senate for its action.

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 eleven minutes after eleven o'clock A.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.

Thursday, September 16, 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).

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.

Appointments to Special Commissions.

The Speaker announced the following appointments to special commissions:

Military deployments,—testing.

That Representative Naughton of Clinton had been appointed as his designee to the special commission established (under Section 13 of Chapter 132 of the Acts of 2009) to study the feasibility and costs of establishing a functional magnetic resonance imaging and neuropsychological cognitive testing program for all military forces of the Commonwealth prior to and upon return from deployment; and

Seafood marketing.

That Representative Cantwell of Marshfield had been appointed to the special commission established (under Chapter 4 of the Resolves to 2010) for the purpose of making an investigation and study relative to establishing a coordinated, generic marketing program for seafood caught in the Commonwealth and determining whether such program will enhance and stabilize the economic environment for the commercial fishing industry and fishing communities.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Brendan James Marden.

Resolutions (filed by Mrs. Haddad of Somerset) congratulating Brendan James Marden on receiving the Eagle Award of the Boy Scouts of America;

Kieran Padriac Murray.

Resolutions (filed by Mrs. Haddad of Somerset) congratulating Kieran Padraic Murray on receiving the Eagle Award of the Boy Scouts of America;

International Day of Peace.

Resolutions (filed by Representatives Atkins of Concord, Rushing of Boston and Koutoujian of Waltham) recognizing the Peace Alliance Educational Institute on its celebration of International Day of Peace;

272nd Artillery Battalion.

Resolutions (filed by Ms. Fox of Boston) recognizing the sixtieth anniversary of the 272nd Artillery Battalion's mobilization for service in the Korean War;

Renewal House.

Resolutions (filed by Ms. Fox of Boston) congratulating Renewal House on its thirtieth anniversary;

Canton,—American Legion.

Resolutions (filed by Mr. Galvin of Canton) congratulating the American Legion Edward J. Beatty Post 24 Auxiliary of the town of Canton on the occasion of its ninetieth anniversary;

Quaboag Plantation and

Resolutions (filed by Representatives Gobi of Spencer, Smola of Palmer and Alicea of Charlton) recognizing the celebration of the sign-

ing of a proclamation of reconciliation by the descendents of the original settlers of the Quaboag Plantation and the Pokanoket Tribe of the Wampanoag Nation; and

Pokanoket Tribe,—reconciliation.

Resolutions (filed by Mr. Linsky of Natick) congratulating Fire Chief Neil McPherson on the occasion of his retirement as Fire Chief for Sherborn Fire and Rescue Department;

Neil McPherson.

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. Murphy of Burlington, 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.

A Bill authorizing the city of North Adams to continue the employment of public safety commissioner E. John Morocco (Senate, No. 2601, amended in section 1, in line 2, by inserting after the word "position" the following: "until September 17, 2012, notwithstanding that he has attained the maximum age for that position as"; and, in lines 5, 6 and 7, by striking out the last sentence contained therein and inserting in place thereof the following sentence: "No further deductions shall be made from the regular compensation of E. John Morocco under chapter 32 of the General Laws for any service performed subsequent to September 17, 2010, and, upon his retirement, E. John Morocco shall receive a superannuation retirement allowance equal to that to which he would have been entitled had he retired on September 17, 2010.") (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

North Adams,—E. John Morocco.

Mr. Kafka of Stoughton, for said committee, then reported recommending that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Kafka, 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. 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, in concurrence.

A petition of Thomas M. McGee and Steven M. Walsh for legislation to establish a sick leave bank for Barbara Sedera, an employee of the Department of Transitional Assistance, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

Barbara Sedera,—sick leave bank.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2624) was referred, in concurrence, to the committee on Public Service.

Reports of Committees.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on House, Nos. 605, 642, 692, 695, 696, 700, 702, 723, 724, 725, 737, 739, 740, 743, 747, 749, 752, 753, 760, 762, 782, 783, 785, 790, 792, 794, 801, 802, 803, 806, 808, 811,

Environment, Natural Resources and Agriculture,—study.

Environment, Natural Resources and Agriculture,—study.

812, 814, 819, 821, 826, 827, 828, 832, 835, 836, 837, 838, 839, 841, 849, 851, 3552, 3553, 3668, 3669, 3670, 3673, 3806, 3883 and 3886, an Order relative to authorizing the committee on Environment, Natural Resources and Agriculture to make an investigation and study of certain House documents concerning environmental matters (House, No. 5023).

Health Care Financing,—study.

By Ms. Stanley of West Newbury, for the committee on Health Care Financing, on Senate, Nos. 17, 19, 557 and 563, and on House, Nos. 109, 110 and 4052, an Order relative to authorizing the committee on Health Care Financing to make an investigation and study of certain House documents concerning prescriptions, patient records, senior care and other related matters (House, No. 5022).

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.

Holly Ann Beaumier and John S. Bain,—sick leave banks.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill establishing a sick leave bank for Holly Ann Beaumier, an employee of the Office of Medicaid and establishing a sick leave bank for John S. Bain, an employee of the University of Massachusetts at Lowell (Senate, No. 2618) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Straus of Mattapoisett, the bill was read a second time forthwith; and it was ordered to a third reading.

Antonio Pickens,—retirement benefits.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill authorizing the town of Milton to provide certain accidental disability retirement and medical benefits to Antonio Pickens (Senate, No. 2044) 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 said rule, on motion of the same member, the bill was read a second time forthwith; and was ordered to a third reading.

Nanette Maltais,—sick leave bank.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill to establish a sick leave bank for Nanette Maltais (House, No. 5018). 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 said rule, on motion of the same member, the bill was read a second time forthwith; and was ordered to a third reading.

Emergency Measure.

The engrossed Bill relative to the certification of Hull public library (see House, No. 4954), 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. Hull,—public library.

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.

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.

Recess.

At fourteen minutes before twelve o'clock noon., on motion of Mr. Rushing of Boston (Mr. Donato of Medford being in the Chair), the House recessed until a quarter after twelve o'clock; and at twenty-one minutes after twelve o'clock the House was called to order with Mr. Donato in the Chair. Recess.

Engrossed Bill.

The engrossed Bill authorizing the city of North Adams to continue the employment of public safety commissioner E. John Morocco (see Senate, No. 2601, amended) (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. Bill enacted.

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 twenty-one minutes after twelve o'clock noon, 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.

Monday, September 20, 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.

Eternal God, the Ultimate Source of Goodness and Forgiveness, we begin this morning's legislative session with a prayer and reflection on spiritual values. Help us to implement Your spiritual values and ways in our daily living and in dealing with people. As the summer season draws to a close, we are grateful to You for our blessings, family gatherings and vacations which we have enjoyed. We begin the new fall season with enthusiasm as we look forward to the unique beauty of nature and the special events of this wonderful season of the year. May our hearts and minds be filled with trust and confidence in You and goodwill towards all. May we continue our common struggle to promote the common good of all people, society and the dignity and importance of each individual.

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.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Liborio Stellino.

Resolutions (filed by Mr. DeLeo of Winthrop and other members of the House) honoring Italian Consul General Liborio Stellino for his four successful years helping Boston and the Massachusetts community;

Paul Baharian.

Resolutions (filed by Mr. Mariano of Quincy) congratulating Paul Baharian on the occasion of his retirement;

Boy Scouts of America.

Resolutions (filed by Mr. Arciero of Westford and other members of the House) congratulating the Boy Scouts of America on the occasion of the one hundredth anniversary of its incorporation;

Ramadan.

Resolutions (filed by Representatives Provost of Somerville, Rushing of Boston, Sciortino of Medford and Wolf of Cambridge) commemorating the celebration of Ramadan by Muslims throughout the Commonwealth; and

Anne Collins.

Resolutions (filed by Ms. Sandlin of Agawam) recognizing Anne Collins for her exemplary service and outstanding contributions to the Commonwealth;

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 Ms. Provost, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Paper from the Senate.

A Bill authorizing the town of Wenham to grant certain licenses for the sale of wines and malt beverages not to be drunk on the premises (Senate, No. 2623) (on Senate bill No. 2082) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under rule 7A, to the committee on Steering, Policy and Scheduling.

Wenham,—liquor licenses.

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.

Reports of Committees.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on House, No. 4894, a Bill relative to the granting of licenses for the sale of all alcoholic beverages in certain restaurants in the town of Belmont (House, No. 5024) [Local Approval Received].

Belmont,—liquor licenses.

By the same member, for the same committee, on House, No. 4896, a Bill authorizing the town of Dedham to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 5025) [Local Approval Received].

Dedham,—liquor license.

By the same member, for the same committee, on a part of House, No. 4586, a Bill authorizing the town of Harwich to issue additional liquor licenses (House, No. 5026) [Local Approval Received].

Harwich,—liquor licenses.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill relative to the appointment of the treasurer of Palmer Fire District Number One and Palmer Water District Number One (House, No. 1881) [Local Approval Received].

Palmer,—fire and water districts.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Emergency Measure.

The engrossed Bill directing the State Secretary to place a certain nonbinding question on the biennial state election ballot in the city of New Bedford (see House, No. 4970), 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.

New Bedford,—ballot question.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 9 to 2. Sent to the Senate for concurrence.

Engrossed Bill.

The engrossed Bill relative to interior designers bidding on state contracts (see House, No. 2999, 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.

Interior designers.

Pending the question on passing the bill to be enacted, Mr. Peterson of Grafton moved that Rule 40 be suspended; and the motion prevailed. Mr. Kafka of Stoughton then moved to amend the bill in section 3 by

striking out the last sentence and inserting in place thereof the following sentence: "Eligible candidates should demonstrate competence by completion of a nationally recognized certification.".

The amendment was adopted. Sent to the Senate for concurrence.

Recess.

Recess.

At twenty-eight minutes after eleven o'clock A.M., on motion of Mr. Rushing of Boston (Mr. Donato of Medford being in the Chair), the House recessed until the hour of twelve o'clock noon; and at fourteen minutes after twelve o'clock the House was called to order with Mr. Donato in the Chair.

Orders of the Day.

Third reading bills.

Senate bills

Authorizing the town of Milton to provide certain accidental disability retirement and medical benefits to Antonio Pickens (Senate, No. 2044);

Relative to class A controlled substances (Senate, No. 2222, amended); and

Establishing a sick leave bank for Holly Ann Beaumier, an employee of the Office of Medicaid and establishing a sick leave bank for John S. Bain, an employee of the University of Massachusetts at Lowell (Senate, No. 2618);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

Nanette Maltais,— sick leave.

The House Bill establishing a sick leave bank for Nanette Maltais, an employee of the Department of Revenue (House, No. 5018) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Pedone of Worcester moved to amend it by adding 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. 5018, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Thursday next at eleven o'clock A.M.

At seventeen minutes after twelve o'clock noon, on motion of Mr. Hill of Ipswich (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.

Thursday, September 23, 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, we turn our thoughts and attention to You as we begin this morning's legislative session. Our intention for the day is to serve You and our constituents faithfully and honorably. In these difficult and uneasy times inspire us to build confidence and trust in our constitutions, in traditional virtues and acceptable human and spiritual values. May we enjoy Your peace in our restlessness, strength in our weakness, courage in our uncertainty and light in our darkness. Teach us to approach issues in an objective and truthful manner so that our decisions will be fair, honest and serve the common good. May we deal with present issues and plan for the future of the people and the Commonwealth in a cooperative, cordial and helpful manner.

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.

Appointments to Special Commission.

The Speaker announced appointments to special commissions, as follows:

Water Infrastructure Financing.

That Representative Dykema of Holliston had been appointed to the special commission on Water Infrastructure Finance established (under Section 145 of Chapter 27 of the Acts of 2009) to develop a comprehensive, long-range water infrastructure finance plan for the Commonwealth and municipalities;

In-state tuition retention.

That Dr. Patricia Maguire Meservey, President of Salem State University, had been appointed to the special commission on Higher Education In-State Tuition Retention established (under Section 162 of Chapter 131 of the Acts of 2010) to make a comprehensive study of in-state tuition retention for all institutions of higher education in the Commonwealth;

Personnel and capital projects,—transfers.

That Representative Kulik of Worthington had been appointed to the special commission on Personnel and Capital Project Transfers established (under Section 168 of Chapter 131 of the Acts of 2010) for the purpose of making an investigation and study relative to the feasibility of transferring personnel that are currently funded from the capital budget to the operating budget and transferring capital projects funded from the operating budget to the capital budget; and

Autistic spectrum disorders.

That Representative L'Italien of Andover had been appointed to the special commission on Autistic Spectrum Disorder established (under Chapter 2 of the Resolves of 2010) to make an investigation and study

Autistic spectrum disorders.

of the range of services and supports necessary for individuals to achieve their full potential across their lifespan, including, but not limited to, investigating issues related to public education, job attainment and employment, including supported employment, provision of adult human services, post-secondary education, independent living, community participation, housing, social and recreational opportunities, behavioral services based on best practices to ensure emotional well-being, mental health services and issues related to access for families of children with autism spectrum disorder and adults who are from linguistically and culturally diverse communities.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Mukden survivors.

Resolutions (filed by Messrs. Patrick of Falmouth, Perry of Sandwich and Madden of Nantucket) honoring the Mukden survivors' heroic service in World War II and their contributions to the Commonwealth;

Nathan Matzka.

Resolutions (filed by Representatives Peisch of Wellesley and Balser of Newton) honoring Nathan Matzka on receiving the Eagle Award of the Boy Scouts of America;

Scott Murphy.

Resolutions (filed by Ms. Peisch of Wellesley) honoring Scott Murphy on receiving the Eagle Award of the Boy Scouts of America;

Anne and Fred Schaller.

Resolutions (filed by Ms. Peisch of Wellesley) honoring Frederick F. Schaller Jr. and Anne K. Schaller for their contributions to the Natick Historical Society;

Aaron Sewall.

Resolutions (filed by Ms. Peisch of Wellesley) honoring Aaron Sewall on receiving the Eagle Award of the Boy Scouts of America;

Wellesley Country Club.

Resolutions (filed by Ms. Peisch of Wellesley) celebrating one hundredth anniversary of the Wellesley Country Club; and

Chelsea Public Library.

Resolutions (filed by Representatives Reinstein of Revere and O'Flaherty of Chelsea) congratulating the Chelsea Public Library on the occasion of its one hundredth birthday.

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 Ms. Peisch, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petition.

Nanette Bradley,—sick leave bank.

Representative DiNatale of Fitchburg presented a petition (subject to Joint Rule 12) of Stephen L. DiNatale for legislation to establish a sick leave bank for Nanette Bradley, an employee of the Department of Children and Families; and the same was referred, under Rule 24, to the committee on Rules.

Papers from the Senate.

Richard J. Dwinell bike path.

The engrossed Bill designating a certain bike path in the town of Millbury as the Honorable Richard Dwinell Memorial Blackstone Valley Bike Path (see House, No. 3218, amended), came from the Senate with the following amendments:

Striking out all after the enacting clause and inserting in place thereof the following:

"The access area servicing the portion of the Blackstone Valley bike path in the town of Millbury located at North Main Street shall be designated and known as the Honorable Richard J. Dwinell Blackstone Valley memorial access area in recognition of former state representative Richard J. Dwinell's public service to the Commonwealth and the town of Millbury. The Massachusetts Department of Transportation shall erect and maintain suitable markers bearing the designation in compliance with the standards of the department."; and by striking out the title and inserting in place thereof the following title: "An Act designating a certain bike path access area in the town of Millbury as the Honorable Richard J. Dwinell Blackstone Valley Memorial Access Area.".

Under suspension of Rule 35, on motion of Mr. Peterson of Grafton, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn, as changed) were considered forthwith; and they were adopted, in concurrence.

Clinton,—liquor license.

The House Bill authorizing the town of Clinton to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4734), came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1, in line 4, striking out the following ", d/b/a Via Alto 27".

Under suspension of Rule 35, on motion of Mr. Naughton of Clinton, 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.

Health disparities.

A Bill to eliminate racial and ethnic health disparities in the Commonwealth (Senate, No. 2593) (on Senate bill No. 810), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Brimfield,—fund.

A petition (accompanied by bill, Senate, No. 2625) of Stephen M. Brewer and Todd M. Smola (by vote of the town) for legislation to establish a special fund in the town of Brimfield, was referred, in concurrence, to the committee on Municipalities and Regional Government.

Reports of Committees.

John Kilmartin Walkway.

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 Robert A. DeLeo for legislation designating a certain walkway in Winthrop as the John Kilmartin Walkway.

Under suspension of the rules, on motion of Mr. Murphy of Burlington, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

Labor and workforce development issues,—study.

By Ms. Coakley-Rivera of Springfield, for the committee on Labor and Workforce Development, on House, Nos. 19, 21, 606, 643, 1791, 1792, 1793, 1798, 1803, 1806, 1808, 1809, 1810, 1814, 1818, 1832, 1833, 1841, 1842, 1845, 1847, 1850, 1856, 1857, 1859, 1860, 1867, 1869, 1874, 1878, 1879, 3464, 3579, 3580, 3581, 3905 and 4210, an Order relative to authorizing the committee on Labor and Workforce Development to make an investigation and study of certain House documents concerning unemployment, workforce training, seasonal workers and other related labor issues (House, No. 5027). 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.

Emergency Measures.

Controlled substances.

The engrossed Bill relative to Class A controlled substances (see Senate, No. 2222, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 9 to 0. Sent to the Senate for concurrence.

Bill enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Holly Ann Beaumier and John S. Bain,—sick leave banks.

The engrossed Bill establishing a sick leave bank for Holly Ann Beaumier, an employee of the Office of Medicaid and establishing a sick leave bank for John S. Bain, an employee of the University of Massachusetts at Lowell (see Senate, No. 2618), 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 7 to 0. Sent to the Senate for concurrence.

Bill enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Engrossed Bills.

Bill enacted.

The engrossed Bill authorizing the town of Milton to provide certain accidental disability retirement and medical benefits to Antonio Pickens (see Senate, No. 2044) (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.

Orders of the Day.

The engrossed Bill relative to time-share ownership (see House, No. 4803), which had been returned to the House by His Excellency the Governor with recommendation of amendments (for message, see House, No. 4960), was considered.

Time share ownership.

The committee on Bills in the Third Reading reported recommending that the amendments recommended by the Governor be considered in the following form:

By striking out section 5 and inserting in place thereof the following:

"SECTION 5. Said chapter 183B is hereby further amended by striking out section 29, as so appearing, and inserting in place thereof the following section:

Section 29. (a) A person who has a duty to make assessments for time-share expenses shall have a lien on a time-share for any assessment levied against that time-share or fines imposed against its owner from the time the assessment or fine becomes due. In the case of either a time-share estate or a time-share license, the lien shall be enforced pursuant to section 29B. Unless the time-share instrument otherwise provides, fees, charges, late charges, fines, interest, collection agency fees and reasonable attorney's fees charged pursuant to clauses (8) and (9) of subsection (a) of section 20 shall be enforceable as assessments under this section. If an assessment is payable in installments, the full amount of the assessment shall be a lien from the time the first installment thereof becomes due.

(b) A lien created under this section shall be prior to all other liens and encumbrances on a time-share except: (i) liens and encumbrances recorded before the recording of the time-share instrument; (ii) mortgages or security interests on the time-share recorded before the due date of the assessment or the due date of the first installment payable on the assessment; (iii) liens for real estate taxes and other governmental assessments or charges against the time-share; and (iv) liens for unpaid taxes of the owner collectible pursuant to chapter 62C, and liens for unpaid child support obligations of the owner collectible pursuant to chapter 119A, provided that liens for such taxes or child support obligations were recorded before the due date of the assessment or the due date of the first installment payable on the assessment. This subsection shall not affect the priority of mechanics' or materialmen's liens. Liens on a time share unit, arising under this section or otherwise, shall not be subject to chapter 188.

(c) The lien created under this section shall be automatic as a matter of law, but a claim or notice of lien may be recorded in the applicable registry of deeds for a time-share estate or as required in the controlling time-share instruments for a time-share. A lien shall be dissolved upon the issuance and recording of a statement by the association pursuant to subsection (e) showing no assessment to be due and owing.

(d) This section shall not prohibit actions to recover sums for which subsection (a) creates a lien or precludes an association from recourse by any contractual or other remedy permitted by law.

(e) The lien created under this section shall include costs, including collection agency fees, reasonable attorneys' fees and all forfeiture costs incurred by the association. A person who has a duty to make assessments for time-share expenses shall furnish to a time-share owner, purchaser, mortgagee or a closing attorney or settlement agent,

Time share ownership.

upon written request, a statement recordable in form setting forth the amount of unpaid assessments currently levied against the owner's time-share and may charge a reasonable fee for the preparation of such statement. The statement shall be furnished within 10 business days after the receipt of the request. Any time-share owner, purchaser, mortgagee, or a closing attorney or settlement agent, who is a recipient of the statement shall be entitled to rely on the contents thereof, and whoever furnished the statement may collect from such recipient only those sums of money that are set forth therein from the recipient; provided, however, that the recipient pays any amounts stated as due and owing and any amounts which subsequently may become due and owing within 60 days of the date of the statement, including collection charges, late fees, interest and additional assessments as stated therein.

(f) No time-share owner shall be exempt from liability for contribution toward the time-share liability expenses by waiver of the use or enjoyment of any of the common areas and facilities or by abandonment of the time-share or otherwise; and no time-share owner shall be entitled to an offset, deduction or waiver of time-share liability expenses or other charges levied or lawfully assessed by the association."; and the report was accepted.

The amendment then was adopted. Sent to the Senate for its action.

Third reading bills.

Senate bills

Authorizing property tax exemption for certain small sheds and outbuildings in the town of Carver (Senate, No. 2255); and

Designating a certain bridge in the town of Mansfield as the Sergeant Douglas Weddleton Memorial Bridge (Senate, No. 2528);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

At twenty-six minutes before twelve o'clock noon, on motion of Mr. Peterson of Grafton (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.

Monday, September 27, 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.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. DeLeo of Winthrop and other members of the House) recognizing National Alcohol and Drug Addiction Recovery Month; Addiction recovery.

Resolutions (filed by Mr. Arciero of Westford) congratulating Dr. Diane Bemis on the occasion of her retirement from the town of Littleton school district; and Diane Bemis.

Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) honoring the memory of Corporal Richard B. Rinehart through the dedication of the Richard B. Rinehart Square in the town of Natick; Richard B. Rinehart.

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. Sciortino of Medford, 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.

A Bill establishing a sick leave bank for Barbara Sereda, an employee of the Department of Transitional Assistance (Senate, No. 2624) (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. Barbara Sereda,—sick leave bank.

Reports of Committees.

By Ms. Stanley of West Newbury, for the committee on Health Care Financing, on Senate, Nos. 83, 495, 559, 865, 873, 954, 1201, 2099, 2271, 2299, 2319 and 2330, an Order authorizing the committee on Health Care Financing to make an investigation and study of certain Senate documents concerning home care accountability, public safety testing, and personal care attendants (House, No. 5029). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently. Health Care Financing,—study.

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.

Richard Maypoter, Jr.,—sick leave.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Richard Maypoter, Jr., an employee of the department of corrections (House, No. 5017). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Engrossed Bills.

Bills re-enacted.

Engrossed bills

Designating a certain bike path access area in the town of Millbury as the Honorable Richard J. Dwinell Blackstone Valley Memorial Access Area (see House, No. 3218, amended); and

Relative to time-share ownership (see House, No. 4803, 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 re-enacted, in their amended form; and they were signed by the acting Speaker and sent to the Senate.

Bills enacted.

Engrossed bills

Authorizing property tax exemption for certain small sheds and outbuildings in the town of Carver (see Senate, No. 2255);

Designating a certain bridge in the town of Mansfield as the Sergeant Douglas Weddleton Memorial Bridge (see Senate, No. 2528);

(Which severally originated in the Senate);

Designating the State Transportation Library as the George M. Sanborn Library (see House, No. 3266, amended); and

Authorizing the town of Clinton to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 4734, 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 it were signed by the acting Speaker and sent to the Senate.

Recess.

Recess.

At eleven minutes after eleven o'clock A.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 the hour of two o'clock P.M. the House was called to order with Mr. Donato in the Chair.

Reports of Committees.

Supplemental and deficiency appropriations.

By Mr. Murphy of Burlington, for the committee on Ways and Means, on a part of House, No. 4841 and on a part of House, No. 4868, a 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) [Total Appro-

priation: $231,347,260.00] [Representatives Polito of Shrewsbury and Webster of Pembroke, dissenting]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, then reported that the matter be scheduled for consideration by the House.

Point of order.

Mr. Peterson of Grafton thereupon raised a point of order that the committee on Ways and Means had violated House Rule 21, in that it had not made available to the members a report which includes an explanation of any increase or decrease of five percent or more which results in an increase or decrease of one million dollars or more for any item for which the Governor has made a recommendation, and an explanation for the deletion of an item recommended by the Governor, and for the addition of an item for which the Governor has made no recommendation, as required by said rule.

In answer to the point of order, the Chair (Mr. Donato of Medford) stated that since it was not within the province of the Chair to inquire into the internal workings of committees, he would rule that the pointy of order was not well taken.

Mr. Peterson thereupon doubted the ruling of the Chair; and the appeal was seconded by Ms. Polito of Shrewsbury. The ruling of the Chair then was sustained.

Quorum.

Ms. Polito then asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Donato) determined that a quorum was not in attendance, and, since a quorum was not present, the previous vote (on sustaining the ruling of the Chair) must be declared void. Under House Rule 82, the Chair at one minutes after two o'clock P.M., declared an adjournment of the House, until the next day at eleven o'clock A.M., in an Informal Session.

Tuesday, September 28, 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).

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.

Papers from the Senate.

Petitions were referred, in concurrence, as follows:

Sandwich,—land.

Petition (accompanied by bill, Senate, No. 2626) of Therese Murray (by vote of the town) for legislation to authorize the town of Sandwich to change the use of certain town owned land and to lease a portion of said land;

Sandwich,—recreation facility.

Petition (accompanied by bill, Senate, No. 2627) of Therese Murray (by vote of the town) for legislation to authorize the town of Sandwich to enter into a lease for the construction of an active recreation facility; and

Charlemont and Hawley,—boundary.

Petition (accompanied by bill, Senate, No. 2628) of Benjamin B. Downing and Daniel E. Bosley (by vote of the town) for legislation to change the boundary line between Charlemont and Hawley;

Severally to the committee on Municipalities and Regional Government.

Reports of Committees.

Aeronautic commission,—study.

By Mr. Wagner of Chicopee, for the committee on Transportation, on House, Nos. 3242, 3243, 3244 and 3245, an Order relative to authorizing the committee on Transportation to make an investigation and study of certain House documents regarding the aeronautics commission (House, No. 5030). 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.

Recess.

Recess.

At one minute after eleven o'clock A.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 minutes after three o'clock P.M. the House was called to order with Mr. Donato in the Chair.

Quorum.

Quorum.

Ms. Polito of Shrewsbury thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Donato), having determined that a quorum was not in attendance, at twenty-one minutes

after three o'clock, under House Rule 82, declared an adjournment of the House, until the next day at eleven o'clock A.M., in an Informal Session.

Wednesday, September 29, 2010.

Met according to adjournment after 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.

Gracious God, in Whom we place our trust and hope, we look to You each day for guidance and direction. We believe that Your always available assistance enables us to make the right, the honorable, just and reasoned decisions as we carry out our daily routine and obligations. Inspire us to pause for a moment of reflection during the course of the day to remind us of Your presence in our busy lives. In these uneasy political and economic times, we pray for the knowledge to understand issues clearly, wisdom to make the right ethical choices and independence of judgment to make objective decisions. May our hearts and minds be filled with Your peace, happiness and faith so that our lives have a meaning and a purpose.

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.

Orders of the Day.

Supplemental and deficiency appropriations.

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) was considered, the question being "Shall the decision of the Chair stand as the judgment of the House?" in answer to a point of order raised by Mr. Peterson of Grafton, at the preceding session, that the bill was improperly before the House for the reason that the committee on Ways and Means had not complied with the requirements of House Rule 21 when reporting it. The decision of the Chair was sustained.

Under suspension of Rule 7A, on motion of Mr. Murphy of Burlington, the bill then was read a second time forthwith; and it was ordered to a third reading.

Resolutions.

Margaret M. Carroll.

Resolutions (filed with the Clerk by Representatives Callahan of Sutton, Fernandes of Milford, Frost of Auburn, Kujawski of Webster and Peterson of Grafton) honoring Margaret M. Carroll of the town of Millville for her commitment to historic preservation in the Blackstone River Valley, were referred, under Rule 85, to the committee on Rules.

Mr. Binienda of Worcester, for said committee, reported, that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Peterson of Grafton, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

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 Geraldo Alicea and James J. O'Day for legislation to establish a sick leave bank for Brian J. Dupuis, an employee of the Department of Children and Families. Under suspension of the rules, on motion of Mr. Peterson of Grafton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Brian J. Dupuis,—sick leave.

By Ms. Stanley of West Newbury, for the committee on Health Care Financing, on House, Nos. 536, 2737, 4633 and 4812, an Order relative to authorizing the committee on Health Care Financing to make an investigation and study of certain House documents concerning health care financing (House, No. 5031). 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.

Health Care Financing,—study.

Report of the committee on Public Service, ought NOT to pass (under Joint Rule 10), on a petition (accompanied by bill, House, No. 4888) of Harold P. Naughton, Jr., for legislation to establish a sick leave bank for David A. Peets, an employee of the Department of Correction. Under suspension of the rules, on a motion of Mr. Naughton of Clinton, the report was considered forthwith. Pending the question on acceptance of the report, the petition was recommitted, on further motion of the same member.

David A. Peets,—sick leave bank.

Emergency Measures.

The engrossed Bill establishing a sick leave bank for Imani Smith, an employee of the Department of Youth Services (see House, No. 4993), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 13 to 0. Sent to the Senate for concurrence.

Imani Smith.

The engrossed Bill establishing a sick leave bank for Matthew Normandeau, an employee of the Bristol County Sheriff's Office (see House, No. 4926), 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 11 to 0. Sent to the Senate for concurrence.

Matthew Normandeau.

Engrossed Bill.

Bill enacted.

The engrossed Bill to further clarify the Nantucket Islands Land Bank Act regarding the real property interests subject to the land bank act's transfer fee (see House, No. 4998) (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.

Recesses.

Recesses.

At a quarter after eleven o'clock A.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 eighteen minutes before three o'clock P.M. the House was called to order with Mr. Donato in the Chair.

The House thereupon took a further recess, on further motion of Mr. Murphy of Burlington, subject to the call of the Chair; and at the hour of five o'clock P.M. the House was called to order with Mr. Donato in the Chair.

Quorum.

Quorum.

Mr. Peterson thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Donato), having determined that a quorum was not in attendance, at three minutes after five o'clock, under House Rule 82, declared an adjournment of the House, until the next day at ten o'clock A.M., in an Informal Session.

Thursday, September 30, 2010.

Met according to adjournment at ten 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.

Appointment to a Special Commission.

The Minority Leader announced that he had appointed Representative Hill of Ipswich to the special commission established (under Section 72 of Chapter 188 of the Acts of 2010) to examine efficient and effective strategies to implement school district collaboration and regionalization.

School districts,—improvement.

Reports of Committees.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on House, No. 4856, an Order relative to authorizing the committee on Consumer Protection and Professional Licensure to make an investigation and study of a certain House document concerning landscape architect licensure (House, No. 5032).

Landscape architects,—study.

By Mr. Kaufman of Lexington, for the committee on the Revenue, on House, No. 4887, an Order relative to authorizing the committee on the Revenue to make an investigation and study of a certain House document relating to real estate tax abatements (House, No. 5033).

Tax abatements,—study.

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 said 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.

Recess.

At one minute after ten 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 seventeen minutes before eleven o'clock the House was called to order with Mr. Donato in the Chair.

Recess.

Orders of the Day.

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), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Supplemental and deficiency appropriations.

Supplemental and deficiency appropriations.

Pending the question on passing the bill to be engrossed, Mr. Sullivan of Fall River moved to amend it in section 3, in item 5011-0100, after the word "department" by inserting the following: "provided, that prior to January 3, 2011, the department shall hold public hearings in each area office locality for which a consolidation is planned detailing the nature of the consolidation, the savings generated by consolidation, and the effects of the consolidation on consumers or services provided by the department". The amendment was rejected.

Messrs. Pedone of Worcester and Jones of North Reading then moved to amend the bill in section 3

In line 1158, in item 4000-0700, by striking out the figures "192,848,914" and inserting in place thereof the figures "196,848,914"; and

In line 1204, in item 8900-0100, by striking out the figures "18,000,000" and inserting in place thereof the figures "14,000,000".

The amendments were adopted; and the bill (House, No. 5028, amended) was passed to be engrossed.

Quorum.

Ms. Polito of Shrewsbury then asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Donato) determined that a quorum was not in attendance, and, since a quorum was not present, the previous vote (on passing House, No. 5028, amended, to be engrossed) must be declared void. Under House Rule 82, the Chair, at twelve minutes before eleven o'clock A.M., declared an adjournment of the House, until the next day at ten o'clock A.M., in an Informal Session.

Friday, October 1, 2010.

Met according to adjournment at ten 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.

Communication.

A communication from the Department of Public Health submitting an action plan response to regulatory violations cited during an inspection of the Hampden County Sheriff's Department and Correctional Center located in the town of Ludlow, was placed on file.

Hampden County Sheriff's Department.

Annual Reports.

Annual reports

Of the Department of Developmental Standards (under section 4 of Chapter 547 of the Acts of 1991) on the activities of the Belchertown Carousel Trust Fund for fiscal year 2010;

Belchertown Carsousel Trust Fund.

Of the Division of Standards (under section 57 of Chapter 98 of the General Laws) relative to work completed by said division for the calendar year 2009;

Division of Standards.

Of the Economic Stabilization Trust (under section 14 of Chapter 23D of the General Laws) for fiscal year 2010;

Economic Stabilization.

Of the Group Insurance Commission (under section 21 of Chapter 32A of the General Laws) on its vendor quality improvement activities for fiscal year 2010;

Group Insurance Commission.

Of Mass Biologics (under section 43(f) of Chapter 75 of the General Laws) of its activities for fiscal year 2010; and

Mass Biologics.

Of the Massachusetts Legal Assistance Corporation (under section 10 of Chapter 221A of the General Laws) for fiscal year 2010;

Legal Assistance Corporation.

Severally were placed on file.

Reports of Committees.

By Ms. Stanley of West Newbury, for the committee on Health Care Financing, on House, No. 2031, an Order relative to authorizing the committee on Health Care Financing to make an investigation and study of a certain House document concerning patient care (House, No. 5034). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Patient care,—study.

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.

Saugus,—charter.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill amending the charter in the town of Saugus (House, No. 5007) [Local Approval Received].

Tisbury,—water supply.

By the same member, for the same committee, on a petition, a Bill relative to Tisbury water supply system (House, No. 5014) [Local Approval Received].

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Recesses.

Recesses.

At one minute after ten 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-six minutes before nine o'clock P.M., the House was called to order with Mr. Donato in the Chair.

The House thereupon took a further recess, on motion of Mrs. Poirier of North Attleborough, until the following Monday at ten o'clock A.M.; and at that time the House was called to order with Mr. Donato in the Chair.

Monday, October 4, 2010 (at 10:00 o'clock A.M.).

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.

Orders of the Day.

Supplemental and deficiency appropriations.

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) was considered, the main question being on passing it to be engrossed.

Mr. Kujawski of Webster then moved to amend it by striking out section 31 and inserting in place thereof the following section:

"SECTION 31. Chapter 176D is hereby amended by inserting after section 3B the following section:—

Section 3C. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:

'Ambulance service provider', a person or entity licensed by the department of public health under section 6 of chapter 111C to establish or maintain an ambulance service.

'Ambulance services', 1 or more of the services that an ambulance service provider is authorized to render under its ambulance service license.

'Insurance contract', a contract of or policy for insurance, motor vehicle insurance, indemnity, medical or hospital service, dental or optometric, suretyship or annuity issued, proposed for issuance or intended for issuance by an insurer.

'Insured', an individual entitled to ambulance services benefits under an insurance contract.

'Insurer', a person as defined in section 1 of chapter 176D; a health maintenance organization as defined in section 1 of chapter 176G; a nonprofit hospital service corporation organized under chapter 176A; an organization as defined in section 1 of chapter 176I that participates in a preferred provider arrangement as defined in said section 1 of said chapter 176I; a carrier offering a small group health insurance plan under chapter 176J; a company as defined in section 1 chapter 175; an employee benefit trust; a selfinsurance plan; and a company authorized under section 113A of said chapter 175 to issue a motor vehicle liability policy, as defined in section 34A of chapter 90.

(b) Notwithstanding any general or special law to the contrary, if a municipally owned and operated ambulance service provider provides an ambulance service to an insured but is not an ambulance service provider under contract to the insured's insurer, the insured's insurer shall pay the ambulance service provider directly and promptly for the ambulance service rendered to the insured. The payment shall be made to the municipally owned and operated ambulance service provider: (i) even if the insured's insurance contract prohibits the assignment of benefits thereunder, if the insured executes an assignment of benefits to the ambulance service provider; or (ii) if the insured's insurance contract does not prohibit the assignment of benefits thereunder, but the insured is either incapable or unable as a practical matter to execute the assignment of benefits; or (iii) in connection with an insurance contract that contains a prohibition against such assignment of benefits. A municipally owned and operated ambulance service provider shall not be considered to have been paid for an ambulance service rendered to an insured, if the insurer makes payment for the ambulance service to the insured. A municipally owned and operated ambulance service provider shall have a right of action against an insurer that fails to make a payment to it pursuant to this subsection.".

The amendment was rejected.

The bill then was passed to be engrossed. Mr. Pedone of Worcester moved that this vote be reconsidered; and the motion to reconsider was considered forthwith; and it was negatived. The bill (House, No. 5028, amended) then was sent to the Senate for concurrence.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Messrs. Fallon of Malden and Donato of Medford) recognizing the Northeast Region International Training in Communication on its celebration of Founders Month; Founders Month.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Colton Edward Bauer on earning the Eagle Scout Award; Colton Edward Bauer.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Spencer Carlin on earning the Eagle Scout Award; Spencer Carlin.

Resolutions (filed by Mr. Fernandes of Milford) congratulating James Malnati on earning the Eagle Scout Award; James Malnati.

Resolutions (filed by Ms. Peisch of Wellesley) congratulating the World of Wellesley on the occasion of its twentieth anniversary; World of Wellesley.

Resolutions (filed by Messrs. Speliotis of Danvers and Keenan of Salem) recognizing the inclusion of Officer George A. Nowak's name on the Massachusetts Law Enforcement Memorial at the State House; George A. Nowak.

Fay Martin Chandler.

Resolutions (filed by Ms. Wolf of Cambridge) recognizing Fay Martin Chandler's artistic talents, her commitment to arts education, her public service and support for the Maud Morgan Visual Arts Center; and

Maud Morgan Arts Center.

Resolutions (filed by Ms. Wolf of Cambridge) congratulating the Maud Morgan Arts Center on the occasion of its grand opening;

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 Ms. Wolf, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Reports of Committees.

Human trafficking.

A report of the committees on Rules of the two branches, acting concurrently, that the Senate Bill relating to anti-human trafficking and protection (Senate, No. 2589) ought NOT to pass (under Joint Rule 10), was considered forthwith, under suspension of the rules, on motion of Ms. Wolf of Cambridge.

The House then refused to reject the bill (under Joint Rule 10), and, under suspension of House Rule 32, on further motion of the same member, the bill was read a second time forthwith.

Pending the question on ordering the bill to a third reading, there being no objection, it was recommitted to the committees on Rules, on motion of Mr. Binienda of Worcester.

Subsequently Mr. Binienda, for said committees, reported that the bill ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Arlington,—safety zones.

Report of the committee on Municipalities and Regional Governments, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 4805) of Sean Garballey, Kenneth J. Donnelly and others (by vote of the town) that the town of Arlington be authorized to establish senior citizen safety zones adjacent to certain facilities used by elderly persons in said town;

Sherborn,—forrest land.

Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 4898) of David P. Linsky and Richard J. Ross (by vote of the town) for legislation authorizing the town of Sherborn to use certain town forest land for the purpose of constructing, operating, and maintaining a wireless telecommunications facility; and

Shrewsbury,—school construction projects.

Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 4899) of Karyn E. Polito and Michael O. Moore (by vote of the town) for legislation authorizing the town of Shrewsbury to create a special for school construction projects;

Under suspension of the rules, in each instance, on a motion of Mrs. Wolf of Cambridge, the reports severally were considered forthwith. Pending the question, in each instance on acceptance of the report, the petitions were recommitted, on motion of Mr. Garballey of Arlington.

By Mr. Spellane of Worcester, for the committee on Public Service, on a recommitted petition, a Bill establishing a sick leave bank for David A. Peets, an employee of the Department of Correction (House, No. 4888). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

David A. Peets,—sick leave bank.

Emergency Measure.

The engrossed Bill establishing a sick leave bank for Nanette Maltais, an employee of the Department of Revenue (see House, No. 5018, 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.

Nanette Maltais,—sick leave bank.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 4 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills

Establishing a sick leave bank for Matthew Normandeau an employee of the Bristol County sheriff's office (see House, No. 4926); and

Establishing a sick leave bank for Imani Smith an employee of the Department of Youth Services (see House, No. 4993);

(Which severally originated in the House);

In respect to each of which the Senate had concurred in adoption of the emergency preamble, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Bills enacted.

Orders of the Day.

Senate bills

Further regulating debt collection (Senate, No. 2557); and

Relative to the hoisting and machinery law (Senate, No. 2564) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

Third reading bills.

House bills

Authorizing the town of Sudbury to enter into a long-term energy-related leases and contracts (House, No. 4718) (its title having been changed by the committee on Bills in the Third Reading);

Relative to the town of Littleton electric and light department (House, No. 4741); and

Relative to an intermunicipal agreement between the towns of Provincetown and Truro (House, No. 4873); and

The House Resolve providing for an investigation and study by a special commission relative to gender-responsive programming for criminal justice system involved girls (House, No. 4931, amended) (its

Third reading bills and resolve.

title and type of legislation having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Recess.

Recess.

At twenty-seven minutes after ten o'clock A.M., on motion of Mr. Kafka of Stoughton (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at eleven minutes before three o'clock P.M., the House was called to order with Mr. Donato in the Chair.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

At ten minutes before three o'clock P.M. (Monday, October 4, 2010), on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.

Tuesday, October 5, 2010.

Met at seven minutes after 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.

Resolutions.

Resolutions (filed with the Clerk by Speaker DeLeo of Winthrop) congratulating the officers and crew of the USS Gudgeon on the occasion of their reunion, were referred, under Rule 85, to the committee on Rules.

USS Gudgeon.

Mr. Binienda of Worcester, for said committee, reported, that the resolutions ought to be adopted. Under suspension of the Rules, on motion of Mr. Flynn of Bridgewater, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Paper from the Senate.

A Bill validating certain proceedings of the Pathfinder Regional Vocational Technical High School District (Senate, No. 2536, amended by inserting after section 1 the following section:

Pathfinder Technical School.

"SECTION 1A. Chapter 70 funding allocated in section 3 of chapter 131 of the acts of 2010 shall be transferred to the Pathfinder Regional Vocational-Technical High School District for any Oakham student attending a school in the Pathfinder Regional Vocational-Technical High School District.") (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.

Reports of Committees.

By Mr. Wagner of Chicopee, for the committee on Transportation, on House, Nos. 3167, 3168, 3181, 3189, 3200, 3225, 3230, 3276, 3283, 3305, 3306, 3366, 3787, 4031 and 4036, an Order relative to authorizing the committee on Transportation to make an investigation and study of certain House documents regarding the duties of the Department of Highways (House, No. 5037). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Department of Highways,—study.

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.

Arlington,—senior safety zones.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a recommitted petition, a Bill authorizing the town of Arlington to establish senior citizen safety zones (House, No. 4805) [Local Approval Received].

Sherborn,—wireless facility.

By the same member, for the same committee, on a recommitted petition, a Bill authorizing the town of Sherborn to use certain town forest land for the purpose of constructing, operating, and maintaining a wireless telecommunications facility (House, No. 4898) [Local Approval Received].

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Engrossed Bills.

Bill enacted.

The engrossed Bill establishing a sick leave bank for Nanette Maltais, an employee of the Department of Revenue (see House, No. 5018, amended) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bills enacted.

Engrossed bills

Further regulating debt collection (see Senate, No. 2557); and

Relative to the hoisting and machinery law (see Senate, No. 2564);

(Which severally originated in the Senate),

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,—

Next sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Thursday next at eleven o'clock A.M.

At ten minutes after eleven o'clock A.M., on motion of Mr. Hill of Ipswich (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.

Thursday, October 7, 2010.

Met according to adjournment at seven minutes after eleven o'clock A.M., in an Informal Session, with Mr. Murphy of Burlington 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. Murphy), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of allegiance.

Resolutions.

Resolutions (filed with the Clerk by Ms. Allen of Boston) honoring Anthony I. Jakes, Sr., were referred, under Rule 85, to the committee on Rules.

Anthony I. Jakes, Sr.

Mr. Binienda of Worcester, for said committee, reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Ms. Allen, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petition.

Representative Murphy of Burlington and Senator Hart presented a joint petition (subject to Joint Rule 12) of Charles A. Murphy, John A. Hart, Jr., and Brian P. Wallace for legislation to establish a sick leave bank for Patrick Ceurvels, an employee of the Trial Court; and the same was referred, under Rule 24, to the committee on Rules.

Patrick Ceurvels,—sick leave.

Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Smizik of Brookline, 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.

Paper from the Senate.

A petition (accompanied by bill, Senate, No. 2632) of Benjamin B. Downing and Denis E. Guyer (by vote of the town) for legislation to authorize the town of Cummington to continue the employment of Police Chief Dennis W. Forgea, was referred, in concurrence, to the committee on Public Service.

Cummington,—police chief.

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 Stephen L. DiNatale for legislation to establish a sick leave bank for Nanette Bradley, an employee of the Department of Children and Families.

Nanette Bradley,—sick leave.

Under suspension of the rules, on motion of Mr. Smizik of Brookline, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Tolls and the Turnpike,— study.

By Mr. Wagner of Chicopee, for the committee on Transportation, on House, Nos. 3228, 3238, 3239, 3247, 3248, 3254, 3263, 3289, 3290, 3300, 3318, 3323, 3324, 3367, 3541, 3636 and 4020, an Order relative to authorizing the committee on Transportation to make an investigation and study of certain House documents concerning tolls and the Massachusetts Turnpike (House, No. 5038).

Licenses, snowmobiles and transportation infrastructure,— study.

By the same member, for the same committee, on House, Nos. 3175, 3179, 3187, 3190, 3191, 3193, 3196, 3198, 3205, 3258, 3261, 3293, 3308, 3321, 3338, 3355, 3356, 3362, 3540, 3637, 3638, 3786, 4026 and 4327, an Order relative to authorizing the committee on Transportation to make an investigation and study of certain House documents concerning drivers licenses, snowmobiles and other transportation infrastructure related matters (House, No. 5039).

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.

Clinton,— town administrator.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill relative to updating local governance in the town of Clinton (House, No. 5016) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Engrossed Bill.

Bill enacted.

The engrossed Bill providing for a sewerage system in the town of Foxborough (see House, No. 4680) (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.

Recess.

Recess.

At a quarter after eleven o'clock A.M., on motion of Mr. Smizik of Brookline (Mr. Murphy of Burlington being in the Chair), the House recessed, subject to the call of the Chair; and at four minutes after twelve o'clock noon, the House was called to order with Mr. Murphy of Burlington in the Chair.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Tuesday next at eleven o'clock A.M.

At five minutes after twelve o'clock noon, on motion of Mr. deMacedo of Plymouth (Mr. Murphy of Burlington being in the Chair), the House adjourned, to meet the following Tuesday at eleven o'clock A.M., in an Informal Session.

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 Day.

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 Mico Kaufman.

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 all-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 (by request) presented a petition (subject to Joint Rule 12) 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.I, 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

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";

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

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 2OOO 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-

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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.

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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 considered forthwith; and it was negative.

Boat registrations,—transfer.

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.

Reports of Committees.

Campaign contributions,—study.

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).

Environment, Natural Resources and Agriculture,—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.

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 game 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 considered forthwith; and it 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.

Thursday, October 14, 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.

Gracious God, we look to You for guidance and direction in our effort to respond thoughtfully to our personal and legislative responsibilities. Your assistance enables us to set correctly our own priorities for the day in a reasoned manner and to reflect and think about the meaning and purpose of our daily lives. We believe that with Your help we are able to cope with the many and varied challenges which come our way each day. In dealing with constituents and associates we pray for reasonableness, patience and the spirit of good will so that the Commonwealth and the common good will be well-served. Inspire us to encourage all people, especially our young people, to recognize their God-given talents and to use them for their own benefit and to the good of others. May our hearts and minds be filled with happiness, confidence, trust and hope in the future of our communities.

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.

Monthly Report.

Unemployment Trust Fund.

A monthly report of the Division of Unemployment Assistance (under the provisions of Chapter 142 of the Acts of 2003) relative to the condition of the Commonwealth's Unemployment Trust Fund for September, 2010, was placed on file.

Paper from the Senate.

Abington,—enterprise zone.

A Bill relative to an enterprise zone in the town of Abington (Senate, No. 2491) (on a petition) [Local Approval Received], 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, under suspension of the rules, on motion of Mr. Pedone of Worcester, 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.

Reports of Committees.

By Mr. Walsh of Lynn, for the committee on State Administration and Regulatory Oversight, on House, No. 3011, an Order relative to authorizing the committee on State Administration and Regulatory Oversight to make an investigation and study of certain House documents concerning the Division of Capital Asset Management conveyance of land (House, No. 5048). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Land conveyances,—study.

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.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill establishing a sick leave bank for Barbara Sereda, an employee of the Department of Transitional Assistance (Senate, No. 2624) be scheduled for consideration by the House.

Barbara Sereda,—sick leave bank.

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.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill authorizing the licensing of firearms for persons 70 years of age or older (House, No. 541) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 5049). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Firearms,—exemptions.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Nannette Bradley, an employee of the Department of Children and Families (House, No. 5047). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Nannette Bradley,—sick leave.

Orders of the Day.

House bills

Establishing a sick leave bank for David A. Peets, an employee of the Department of Correction (House, No. 4888) and

Establishing a sick leave bank for Richard Maypoter, an employee of the Department of Correction (House, No. 5017) (its title having been changed by the committee on Bills in the Third Reading);

Third Reading bills.

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

The House Bill establishing a sick leave bank for Brian J. Dupuis, an employee of the Department of Social Services (House, No. 5036, amended) (its title having been changed by the committee on Bills in the Third Reading) was read a third time.

Brian J. Dupuis,—sick leave bank.

Brian J. Dupuis,—sick leave bank.

Pending the question on passing the bill to be engrossed, Mr. Pedone of Worcester moved to amend it by adding 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. 5036, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

At twenty-nine minutes before twelve o'clock noon, on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at fourteen minutes before twelve o'clock noon the House was called to order with Mr. Donato in the Chair.

Wenham,—liquor license.

The Senate Bill authorizing the town of Wenham to grant certain licenses for the sale of wines and malt beverages not to be drunk on the premises (Senate, No. 2623) was read a third time.

Pending the question on pass the bill to be engrossed, in concurrence, Mr. Pedone of Worcester moved to amend it by striking out all after the enacting clause and inserting in place thereof the following:

"SECTION 1. Chapter 381 of the acts of 2006 is hereby amended by striking out section 1 and inserting in place thereof the following section:

Section 1. Notwithstanding sections 15 and 17 of chapter 138 of the General Laws, the licensing authority of the town of Wenham may grant 1 license for the sale at retail of wines and malt beverages not to be drunk on the premises under section 15 of said chapter 138. The retail premises on which the beverages are to be sold shall not exceed 200 square feet and the beverages shall only be sold on Mondays through Saturdays from 11:00 A.M. to 6:00 P.M. The license shall be subject to said chapter 138. The licensing authority shall not approve the transfer of the license to any other location but it may grant the license to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

SECTION 2. This act shall take effect upon its passage."; and by striking out the title and inserting in place thereof the following title "An Act authorizing the town of Wenham to grant a license for the sale of wines and malt beverages not to be drunk on the premises.".

The amendments were adopted; and the bill (Senate, No. 2623, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendments.

Recess.

Recess.

At twelve minutes before twelve o'clock noon, on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at four minutes after twelve o'clock the House was called to order with Mr. Donato in the Chair.

Engrossed Bill.

The engrossed Bill relative to an enterprise fund in the town of Abington (see Senate, No. 2491) (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. Bill enacted.

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 six minutes after twelve o'clock noon, on motion of Mr. Hill of Ipswitch (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.

Monday, October 18, 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, we begin this morning's legislative session with a prayer that our minds and hearts be filled with peace, hope and trust. We believe that your presence in our lives gives meaning and direction to our daily routine. In Your goodness help us to keep clear in our minds the importance of the traditional human and spiritual values in dealing with others. As the national election day draws near teach us to respect the dignity and rights of all people even when we disagree on issues and political philosophies. Grant us the courage to remain faithful to our own ideals and solid principles in addressing current and pending future legislative proposals. May we be grateful for the gifts and blessing which You have bestowed upon us and upon our nation. We often take these for granted Your useful gifts to us.

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.

Guests of the House.

Gordon Institute of Business Science.

During the session, the Chair (Mr. Donato of Medford) declared a brief recess, and introduced a group of students and faculty from the Gordon Institute of Business Science, the business school of the University of Pretoria, South Africa, who were seated in the House Chamber. They were the guests of Mr. Kafka of Stoughton and the Chair.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Barnstable County.

Resolutions (filed by Mr. Patrick of Falmouth and other members of the House) acknowledging the contributions of the Barnstable County Extension/UMass/4-H in the Lights On Afterschool programs;

Boys and Girls Club of Cape Cod.

Resolutions (filed by Mr. Patrick of Falmouth and other members of the House) acknowledging the contributions of the Boys and Girls Club of Cape Cod;

Roger Marks.

Resolutions (filed by Representatives Reinstein of Revere and DeLeo of Winthrop) congratulating Roger Marks on the occasion of his retirement from the Lighthouse Nursing Care Center in the city of Revere; and

Tina Blood.

Resolutions (filed by Mr. Rogers of Norwood) congratulating Tina Blood on the occasion of her retirement;

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.

Recess.

At sixteen minutes after eleven o'clock A.M., on motion of Mr. McMurtry of Dedham (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at twenty eight minutes after twelve o'clock noon the House was called to order with Mr. Donato in the Chair. Recess.

Reports of Committees.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on House, No. 4725, an Order relative to authorizing the committee on Environment, Natural Resources and Agriculture to make an investigation and study of a certain House document concerning a public land trust (House, No. 5051). Public land trust,—study.

By Mr. Kaufman of Lexington, for the committee on Revenue, on House, No. 4758, an Order relative to authorizing the committee on Revenue to make an investigation and study of a certain House document concerning excise taxes (House, No. 5050). Excise tax,—study.

By Mr. Walsh of Lynn, for the committee on State Administration and Regulatory Oversight, on House, No. 5021, an Order relative to authorizing the committee on State Administration and Regulatory Oversight to make an investigation and study of a certain House document concerning childhood cancer awareness month (House, No. 5054). Childhood Cancer Awareness month,—study.

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.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill establishing a sick leave bank for Patrick Ceurvels, an employee of the Trial Court (House, No. 5046). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Patrick Ceurvels,—sick leave.

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.

Orders of the Day.

The Senate Bill establishing a sick leave bank for Barbara Sereda, an employee of the Department of Transitional Assistance (Senate, No. 2426), 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. Third reading bill.

Transitional assistance,—fraud.

The engrossed Bill prohibiting fraud and misapplication of Department of Transitional Assistance funds (see House, No. 4830), which had been contained in Section 11 of the General Appropriation Bill (see House, No. 4800), which had been returned by His Excellency the Governor with recommendation of amendment specified by him (for message, see House, No. 4840), was considered.

The committee on Bills in the Third Reading offered a special report.

Quorum.

Prior to the reading of the special report of the committee on Bills in the Third Reading, Mr. Peterson of Grafton asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Donato) determined that a quorum was not in attendance, and, since a quorum was not present, under House Rule 82, the Chair, at half past twelve o'clock noon, declared an adjournment of the House, until the following Thursday at eleven o'clock A.M., in an Informal Session.

Thursday, October 21, 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.

Gracious God, the Spirit of Truth and Love, we depend upon You and Your guidance in our daily effort to do what is right, honorable and just. Grant us Your gift of knowledge to see issues clearly and the wisdom to make reasoned and thoughtful decisions. Our daily intention is to serve You, the Commonwealth and constituents and our families to the best of our ability. In addressing and resolving complex and sensitive issues, help us to form a right conscience in our decision-making actions. Teach us to be good listeners and to have an open mind to the opinions of others as we discuss issues and public policy with associates and constituents. May we face our daily responsibilities and opportunities with renewed enthusiasm, fidelity and humility.

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.

Silent Prayer.

Ann M. Nucci.

At the request of Speaker DeLeo of Winthrop and the Chair (Mr. Donato of Medford), the members, guests and employees stood in a moment of silent prayer in respect to the memory of Ann M. (Damplo) Nucci of East Boston, who passed away on October 19. She was the devoted mother of former Boston City Councillor John A. Nucci.

Message from the Governor — Bill Returned with Recommendation of Amendment.

Ambulance services,— insurance.

A message from His Excellency the Governor returning with recommendation of amendment section 31 (published as House, No. 5055) of 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] (for message, see House, No. 5052) was filed in the office of the Clerk on Friday, October 15.

The message was read; and, under the provisions of Article LVI (as amended by Article XC) of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendments recommended by His Excellency, the bill (see House, No. 5055) was referred, on motion of Mr. Pedone of Worcester, to the committee on Bills in the Third Reading.

Appointment to a Special Commission.

State bank.

The Speaker announced that he had appointed Mr. Richard Gavegnano of Peabody to the special commission established (under Section 180 of Chapter 240 of the Acts of 2010) to study the feasibility of establishing a bank owned by the Commonwealth or by a public authority constituted by the Commonwealth.

Communication.

Civil service lists.

A communication from the Human Resources Division of the Executive Office for Administration and Finance (under the provisions of Section 25 of Chapter 31 of the General Laws) submitting a list of certain public safety police promotional lists which have been revoked by the Personnel Administrator as of October 1, 2010, was placed on file.

Annual Report.

Technology Development Corporation.

The annual report of the Massachusetts Technology Development Corporation (established by Section 6 of Chapter 40G of the General Laws) submitting financial statements for the fiscal years 2008 and 2009, was placed on file.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Paula Lenzi Kantor.

Resolutions (filed by Mr. Mariano of Quincy) congratulating Paula Lenzi Kantor on the occasion of her retirement;

Polly Howard.

Resolutions (filed by Mr. Peterson of Grafton, Carolyn Dykema and Karyn Polito) honoring Polly Howard's dedication to the town of Westborough, and the community;

Majorie and James L. Gallo Scholarship.

Resolutions (filed by Representatives Barrows and Poirier) congratulating James L. Gallo on establishing the Majorie and James L. Gallo Scholarship; and

Board of Registration in Nursing.

Resolutions (filed by Mr. Kafka and other members of the House) honoring the Massachusetts Board of Registration in Nursing on the occasion of its centennial anniversary;

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 Mrs. Poirier of North Attleborough, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Boston,— liquor licenses.

By Mr. Basile of Boston presented a petition (accompanied by bill, House, No. 5056) of Carlo P. Basile and Anthony W. Petruccelli (with the approval of the mayor and city council) that the licensing board for the city of Boston be authorized to issue certain licenses for the sale of alcoholic beverages at Logan Airport located in said city; and the same was referred, under Rule 24, to the committee on Consumer Protection and Professional Licensure. Sent to the Senate for concurrence.

Mr. Sannicandro of Ashland presented a petition (subject to Joint Rule 12) of Tom Sannicandro for legislation to further define virtual corporations under the law regulating limited liability companies doing business in the Commonwealth; and the same was referred, under Rule 24, to the committee on Rules.

Virtual corporations.

Papers from the Senate.

A Bill establishing a sick leave bank for Meridyth L. Reith, an employee of the Department of Environmental Protection (House, No. 4575), came from the Senate with the endorsement that said branch had non-concurred with the House in its further amendment.

Meridyth L. Reith,— sick leave bank.

On motion of Mr. Pedone of Worcester, the House then receded from its further amendment.

A petition (accompanied by bill, Senate, No. 2637) of Thomas M. McGee, Richard R. Tisei and Katherine Clark (with the approval of the mayor and city council) for legislation relative to the Mount Hood Memorial Park and Golf Course Enterprise Fund in the city of Melrose, was referred, in concurrence, to the committee on Municipalities and Regional Government.

Melrose,— Mount Hood fund.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2640) of Stephen M. Brewer and Lewis G. Evangelidis for legislation to establish a sick leave bank for Francis Bedard, an employee of the Department of Correction; and

Francis Bedard,— sick leave bank.

Petition (accompanied by bill, Senate, No. 2641) of James E. Timilty for legislation to establish a sick leave bank for Frank J. Servello, an employee of the Executive Office Public Safety and Security;

Frank Servello,— sick leave bank.

Severally to the committee on Public Service.

Reports of Committees.

By Mr. Wagner of Chicopee, for the committee on Transportation, on House, Nos. 3154, 3157, 3158, 3164, 3194, 3208, 3212, 3217, 3233, 3246, 3250, 3251, 3257, 3260, 3277, 3278, 3279, 3282, 3286, 3294, 3295, 3302, 3307, 3314, 3319, 3320, 3329, 3331, 3332, 3345, 3346, 3347, 3349, 3350, 3641, 3789, 4027 and 4028, an Order authorizing the committee on Transportation to make an investigation and study of certain House documents regarding windshield wipers, funeral processions, motorcycles and other matters (House, No. 5053). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Windshield wipers, funeral processions, and other matters,— study.

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.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill authorizing the licensing of firearms for persons

Firearms,— age 70.

Firearms,— age 70.

70 years of age or older (House, No. 541) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 5049). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the matter be scheduled for consideration by the House with the amendment previous recommended by the committee on Ways and Means pending.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Mean then was adopted; and the substituted bill 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:

Authorizing the town of Dedham to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 5025); and

Dedham,— liquor license.

Establishing a sick leave bank for Nanette Bradley, an employee of the Department of Children and Families (House, No. 5047);

Nanette Bradley,— sick leave.

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.

A report of the committees on Rules of the two branches, acting concurrently, that the Bill creating a special commission on college scholarships (House, No. 4940) ought NOT to pass (under Joint Rule 10).

College scholarships,— commission.

Under suspension of the rules, on motion of Ms. Peisch of Wellesley, the report was considered forthwith. The House then refused to reject the bill (under Joint Rule 10).

Under suspension of Rule 32, on motion of the same member, the bill was read a second time forthwith; and it was referred, under Rule 33, to the committee on Ways and Means.

Reports

Unit pricing.

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. 200) of Michael J. Rodrigues relative to exempting certain small retail establishments from unit pricing;

Retail stores,— holidays.

Of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 201) of Michael J. Rodrigues for legislation to allow retail stores to open during holidays;

Price disclosure.

Of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 202) of Michael J. Rodrigues relative to clear and conspicuous price disclosure;

Community fund.

Of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 205) of Frank I. Smizik relative to establishing the Commonwealth community fund;

Of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 206) of William M. Straus and Stephen Kulik for legislation to require that rebates on retail sales be made at the time of such purchases; Retail sales,—rebates.

Of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 208) of David M. Torrisi relative to the display of prices in food stores; Food stores,—pricing.

Of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 212) of James T. Welch relative to pricing in food stores and food departments; and Id.

Of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 1062) of David M. Torrisi, Barbara A. L'Italien and others relative to the rehabilitation of community resources; Community resourceas.

Under suspension of the rules, in each instance, on a motion of Ms. Forry of Boston, the reports were considered forthwith. Pending the question on acceptance of the reports, the petitions were recommitted, in each instance, on motion of the same member.

Reports

Of the committee on Veterans and Federal Affairs, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 3382) of Harold P. Naughton, Jr., and John A. Hart, Jr., relative to the appointment of veterans' agents and service officers; Veterans' agents,—appointment.

Of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 3383) of Harold P. Naughton, Jr., for legislation to establish a military scholarship program for children, siblings and spouses of certain veterans; Scholarship,—military children.

Of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 3384) of Harold P. Naughton, Jr., and John A. Hart, Jr., relative the Department of Veterans' Services; Veterans' services.

Of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 3385) of Harold P. Naughton, Jr., and others relative to burial benefits of veterans; Veterans,—burial benefits.

Of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 3387) of Jeffrey David Perry and others for legislation to require compliance with federal immigration laws for public benefits; Immigration,—public benefits.

Of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 3388) of Kathi-Anne Reinstein and others for legislation to impose a penalty for the removal of commemorative flag holders from graves of veterans and police and fire personnel; Commemorative flags,—removal.

Of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 3389) of Kathi-Anne Reinstein and others for legislation to impose a penalty for the removal of American flags and fire and police commemorative medallions from burial places; Id.

Of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 3390) of Kathi-Anne Reinstein and others relative to veterans' agents and veterans' benefits; Veterans' agents.

Veterans,— retirement stipend.

Of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 3391) of Kathi-Anne Reinstein and others for legislation to increase the stipend for certified veterans at the time of retirement from public service ; and

Armed forces,— sexual harassment.

Of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 3392) of Kathi-Anne Reinstein and Bruce E. Tarr for legislation to establish an office of prevention of sexual harassment of members and former members of the armed forces;

Under suspension of the rules, in each instance, on a motion of Mr. Naughton of Clinton, the reports were considered forthwith. Pending the question on acceptance of the reports, the petitions were recommitted, in each instance, on motion of the same member.

Emergency Measure.

Barbara Sereda.

The engrossed Bill establishing a sick leave bank for Barbara Sereda, an employee of the Department of Transitional Assistance (see Senate, No. 2624), 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 10 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills

Bills enacted.

Authorizing the town of Wenham to grant certain licenses for the sale of wines and malt beverages not to be drunk on the premises (see Senate, No. 2623) (which originated in the Senate); and

Relative to intermunicipal agreement between the towns of Provincetown and Truro (see House, No. 4873) (which 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.

Orders of the Day.

There being no objection,— House bills

Third Reading bills.

Relative to quarterly tax billing in the town of Belmont (House, No. 4901); and

Establishing a sick leave bank for Patrick Cuervels, an employee of the Trial Court (House, No. 5046) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Architects,— liens.

There being no objection,— The Senate Bill relative to a lien for architects, engineers, land surveyors and site professionals (Senate, No. 2512), was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Pedone of Worcester moved to amend it by striking out section 1A (previously inserted by amendment by the House).

The amendment was adopted; and the bill (Senate, No. 2512, amended) was passed to be engrossed. Sent to the Senate for concurrence in another amendment previously adopted by the House.

Transitional assistance,—fraud.

The engrossed Bill prohibiting fraud and misapplication of Department of Transitional Assistance funds (see House, No. 4830), which had been contained in Section 11 of the General Appropriation Bill (see House, No. 4800), which had been returned by His Excellency the Governor with recommendation of amendment specified by him (for message, see House, No. 4840), was considered.

The committee on Bills in the Third Reading offered a special report.

Quorum.

Prior to the reading of the special report of the committee on Bills in the Third Reading, Mr. Peterson of Grafton asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Donato) determined that a quorum was not in attendance, and, since a quorum was not present, under House Rule 82, the Chair, at seven minutes before noon, declared an adjournment of the House, until the following Monday at eleven o'clock A.M., in an Informal Session.

Monday, October 25, 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).

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.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Deborah M. Kaup.

Resolutions (filed by Messrs. Hecht of Watertown and Koutoujian of Waltham) recognizing Deborah M. Kaup for her dedicated and outstanding service as the director of the Watertown Food Pantry;

Keith Michael Flumere.

Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) commemorating the dedication of the Keith Michael Flumere Square in the town of Natick; and

Peter L. McDowell.

Resolutions (filed by Mr. Turner of Dennis) honoring Peter L. McDowell for more than forty years of service to Cape Cod and the Commonwealth;

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. Stanley of Waltham, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communications.

Health Care Security Trust.

A communication from the Board of Trustees of the Health Care Security Trust (under Section 4(a) of Chapter 29D of the General Laws) submitting amendments to the Operating Trust Agreement of said board (House, No. 5057), was referred to the committee on Health Care Financing. Sent to the Senate for concurrence.

PERAC,—rules and regulations.

A communication from the Public Employee Retirement Administration (under Section 50 of Chapter 7 of the General Laws) submitting rules and regulations governing retirement of public employees in the Commonwealth (House, No. 5058), was referred to the committee on Public Service. Sent to the Senate for concurrence.

Communications

Health Care Quality and Cost Council.

From the Health Care Quality and Cost Council (established by Chapter 58 of the Acts of 2006) submitting its three year plan for reporting on the website "MyHealthCareOptions"; and

Department of Transportation.

From the Massachusetts Department of Transportation (pursuant to Section 12 of Chapter 86 of the Acts of 2008 and Section 18 of Chapter 233 of the Acts of 2008) transmitting quarterly reports containing

periodic and substantial completion estimates submitted pursuant to section 39G of Chapter 30 of the General Laws and listing certain dates in relation to projects under the control of said department;

Severally were placed on file.

Annual Reports.

Annual reports

Of the Merrimack Valley Regional Transit Authority (under the provisions of Chapter 161B of the General Laws) for the fiscal year 2010; and

Merrimack Valley Transit Authority.

Of the State Ethics Commission (under the provisions of Section 2 (1) of Chapter 268B of the General Laws) for the fiscal year 2010;

Ethics Commission.

Severally were placed on file.

Reports of Committees.

Report of the committee on Elder Affairs, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 542) of Elizabeth A. Poirier and others relative to establishing multi-disciplinary teams with district attorneys to investigate elder abuse.

Elder abuse investigation.

Under suspension of the rules, on a motion of Ms. Wolf of Cambridge, the report was considered forthwith. Pending the question on acceptance of the report, the petition was recommitted, on further motion of the same member.

Mr. Binienda of Worcester, for the committee on Rules, on the Order relative to authorizing the committee on Municipalities and Regional Government to make an investigation and study of certain House documents concerning municipalities (House, No. 5019) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1918) of William G. Greene, Jr., and Kenneth J. Donnelly (by vote of the town) relative to establishing a special account for the town of Billerica water conservation fund,— and recommending that the same be recommitted to the committee on Municipalities and Regional Government. Under Rule 42, the report was considered forthwith; and it was accepted.

Billerica,— water conservation fund.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill amending the charter of the town of Eastham (House, No. 5043) [Local Approval Received].

Eastham,— charter.

By the same member, for the same committee, on a petition, a Bill amending the charter of the town of Eastham to provide for the appointment of the town treasurer/collector (House, No. 5044) [Local Approval Received].

Id.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Emergency Measure.

The engrossed Bill establishing a sick leave bank for Meridyth L. Reith, an employee of the Department of Environmental Protection (see House, No. 4575), 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.

Meridyth L. Reith.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 8 to 0. Sent to the Senate for concurrence.

Bill enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Engrossed Bill.

Bill enacted.

The engrossed Bill establishing a sick leave bank for Barbara Sereda, an employee of the Department of Transitional Assistance (see Senate, No. 2624), (which originated in the Senate), in respect to which the Senate had concurred in the adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

There being no objection,— House bills

Third reading bills.

Relative to the position of chief of police in the town of Belmont (House, No. 4416) (its title having been changed by the committee on Bills in the Third Reading);

Relative to the room occupancy tax in the town of Provincetown (House, No. 4653); and

Establishing a sick leave bank for Nannette Bradley, an employee of the Department of Children and Families (House, No. 5047);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Motion for Special Memorial Adjournment.

Former Representative Paul Murphy.

Messrs. Walsh of Boston and Basile of Boston then moved that when the House adjourns today, it do so in respect to the memory of Paul Murphy, a member of the House from Boston (Dorchester) from 1963 to 1972, inclusive, and former Chief Justice of the West Roxbury District Court; and the motion prevailed.

Orders of the Day.

Transitional assistance,— fraud.

The engrossed Bill prohibiting fraud and misapplication of Department of Transitional Assistance funds (see House, No. 4830), which had been contained in Section 11 of the General Appropriation Bill (see House, No. 4800), which had been returned by His Excellency the Governor with recommendation of amendment specified by him (for message, see House, No. 4840), was considered.

The committee on Bills in the Third Reading offered a special report.

Prior to the reading of the special report of the committee on Bills in the Third Reading, Mrs. Poirier of North Attleborough asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Donato of Medford) determined that a quorum was not in attendance, and, since a quorum was not present, under House Rule 82, the Chair, at twenty-one minutes after eleven o'clock A.M., declared an adjournment of the House, until the following Thursday at eleven o'clock A.M., in an Informal Session. Quorum.

Thursday, October 28, 2010.

Met according to adjournment at nine minutes after 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).

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.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Paul Holmquist.

Resolutions (filed by Mr. Turner of Dennis) congratulating Lieutenant Paul Holmquist on the occasion of his retirement and for his more than twenty-three years serving the people of Yarmouth and the Yarmouth Fire Department;

Robert Kelleher.

Resolutions (filed by Mr. Turner of Dennis) congratulating Deputy Chief Robert Kelleher on the occasion of his retirement and for his more than twenty-three years serving the people of Yarmouth and the Yarmouth Fire Department; and

Connor W. Meaney.

Resolutions (filed by Mr. Turner of Dennis) congratulating Connor W. Meaney on receiving the Eagle Scout Award of the Boy Scouts of America;

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. Smizik of Brookline, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Marlborough District Court,—Jonathan Brant.

Representative Kaufman of Lexington and Senator Eldridge presented a joint petition (subject to Joint Rule 12) of Jay R. Kaufman, James B. Eldridge and Danielle W. Gregoire for legislation to designate a certain courtroom in the district courthouse in the city of Marlborough in honor of Jonathan Brant; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Brownsberger of Belmont, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Representative Alicea of Charlton and Senator Brewer, a joint petition (subject to Joint Rule 12) of Geraldo Alicea and Stephen M. Brewer for legislation to establish a sick leave bank for Sheila Santelli, an employee of the Department of Housing and Community Development.

Sheila Santelli,— sick leave.

By Mr. Calter of Kingston, petition (subject to Joint Rule 12) of Thomas J. Calter for legislation to establish a sick leave bank for Brian C. Linehan, an employee of the Department of Revenue.

Brian C. Linehan,— sick leave.

By Ms. Hogan of Stow, petition (subject to Joint Rule 12) of Kate Hogan for legislation to establish a sick leave bank for Tanya Robideau, an employee of the Department of Correction.

Tanya Robideau,— sick leave.

Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

The House Bill authorizing the town of Dennis to borrow in anticipation of reimbursements from betterments assessed (House, No. 4244), came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1, in line 2, by inserting after the word "borrow" the following "for a term of up to 15 years".

Dennis,— betterment reimbursements.

Under suspension of Rule 35, on motion of Mr. Turner of Dennis, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

The House Bill authorizing the town of Seekonk to convert certain seasonal licenses for the sale of all alcoholic beverages or for the sale of wines and malt beverages to be drunk on the premises to annual licenses for such sales (House, No. 4518) (its title having been changed by the Senate committee on Bills in Third Reading), came from the Senate passed to be engrossed, in concurrence, with the following amendments:

Seekonk,— alcoholic beverages.

In section 3, in line 49, adding the following sentence "Upon conversion of the license under this section, Tito's Cantina, Inc. shall surrender any licenses for the sale of wines and malt beverages or alcoholic beverages it holds for these premises."; striking out section 4; in section 5, in line 89, adding the following sentence "Upon conversion of the license under this section, Chardonnay's, Inc. shall surrender any licenses for the sale of wines and malt beverages or alcoholic beverages it holds for these premises."; in section 6, in line 102, adding the following sentence "Upon conversion of the license under this section, Toti's Pizza Palace, Inc. shall surrender any licenses for the sale of wines and malt beverages or alcoholic beverages it holds for these premises."; and in section 7, in line 29, adding the following sentence "Upon conversion of the license under this section, Eric Medeiros and Steven Medeiros d/b/a Brothers Seafood Restaurant shall surrender any licenses for the sale of wines and malt beverages or alcoholic beverages they hold for these premises.".

Under suspension of Rule 35, on motion of Mr. D'Amico of Seekonk, 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.

Bills

Florida,—treasure-collector.

Relative to the position of appointed-treasurer-collector in the town of Florida (Senate, No. 2551) (on a petition) [Local Approval Received]; and

Charlemont and Hawley.

Changing the boundary lines between Charlemont and Hawley (Senate, No. 2628) (on a petition) [Local Approval Received];

Severally, passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

MaryAnn Audette,—sick leave bank.

A petition of Stanley C. Rosenberg and Christopher J. Donelan for legislation establishing a sick leave bank for MaryAnn Audette, an employee of the Department of Revenue, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Revenue.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2644) was referred, in concurrence, to the committee on Public Service.

Report of a Committee.

Billerica,—water conservation fund.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a recommitted petition, a Bill establishing a special account for the town of Billerica water conservation fund (House, No. 1918) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Engrossed Bill.

Bill enacted.

The engrossed Bill relative to quarterly tax billing in the town of Belmont (see House No. 4901) (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.

Motions to Discharge Certain Matters in the Orders of the Day.

Hubbardston,—ballot question.

The Senate Bill authorizing the town of Hubbardston to send certain information to the voters relative to ballot questions (Senate, No. 2090, amended) was discharged from its position in the Orders of the Day, and considered forthwith, under suspension of Rule 47, on motion of Mr. Smizik of Brookline.

The bill, 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 following House bills were discharged from their position in the Orders of the Day and considered forthwith, under suspension of the Rule 47, in each instance, on motion of Mr. Smizik of Brookline:

Title V.

Relative to Title V approval (House, No. 751); and

Rehoboth,—alcoholic beverages.

Authorizing the town of Rehoboth to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4847);

The bills, severally having been reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Orders of the Day.

Transitional assistance,—fraud.

The engrossed Bill prohibiting fraud and misapplication of Department of Transitional Assistance funds (see House, No. 4830), which had been contained in Section 11 of the General Appropriation Bill (see House, No. 4800), which had been returned by His Excellency the Governor with recommendation of amendment specified by him (for message, see House, No. 4840), was considered.

The committee on Bills in the Third Reading offered a special report.

Quorum.

Prior to the reading of the special report of the committee on Bills in the Third Reading, Mrs. Poirier of North Attleborough asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Donato) determined that a quorum was not in attendance, and, since a quorum was not present, under House Rule 82, the Chair, at twenty-three minutes after eleven o'clock, declared an adjournment of the House, until the following Monday at eleven o'clock A.M., in an Informal Session.

Monday, November 1, 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).

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.

Appointments of the Speaker.

The Speaker announced that he had made the following appointments:

Forested lands.

That Representative Kulik of Worthington had been designated to serve with Representative Straus of Mattapoisett on the special commission established (under Chapter 8 of the Resolves of 2008) for the purpose of conducting an investigation and study of innovative methods for funding the conservation of forested wildlands and woodlands owned and managed by public and nonprofit organizations and by private individuals and organizations.

Sheriff's offices.

That Representatives Costello of Newburyport and Walsh of Lynn had been designated to serve on the special commission established (under Section 22 of Chapter 61 of the Acts of 2009) for the purpose of making an investigation and study relative to the reorganization or consolidation of sheriffs' offices, to make formal recommendations regarding such reorganization or consolidation and to recommend legislation, if any, to effectuate such recommendations relating to the reorganization, consolidation, operation, administration, regulation, governance and finances of sheriffs' offices.

Food Policy Council.

That Representative Kulik of Worthington had been designated to serve as his appointee to the Massachusetts Food Policy Council established (under Chapter 277 of the Acts of 2010) to develop recommendations to advance the food system goals for the Commonwealth.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Joanie Sutherland.

Resolutions (filed by Mr. Atsalis of Barnstable) congratulating Joanie Sutherland on the occasion of her retirement;

Paul D. Brodeur.

Resolutions (filed by Messrs. Madden of Nantucket and Patrick of Falmouth) honoring Paul D. Brodeur on the occasion of his retirement from the Falmouth Fire Rescue Department; and

Jackson Paul Renaud.

Resolutions (filed by Ms. Peake of Provincetown) congratulating Jackson Paul Renaud on receiving the Eagle Award of the Boy Scouts of America;

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 Ms. Wolf of Cambridge, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Annual Reports.

Annual reports

Of the Department of Correction (under Section 16 of Chapter 123A of the General Laws) relative to sexually dangerous persons for the year 2010; Sex offenders.

Of the Economic Assistant Coordinating Council and the Economic Development Incentive Program (under Section 3C (3) of Chapter 23A of the General Laws) relative to the operations and accomplishments of the program; and Economic Development Incentive Program.

Of the Life Sciences Center (under Section 15 of Chapter 23I of the General Laws) relative to job creation and scientific advancements; Life Sciences Center.

Severally were spread upon the records of the House; and placed on file.

Paper from the Senate.

The House Bill establishing a post employment benefits trust fund in the town of Wayland (House, No. 5005), 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 2642. Wayland,—benefits trust fund.

Under suspension of Rule 35, on motion of Mr. Conroy of Wayland, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Emergency Measure.

The engrossed Bill establishing a sick leave bank for Elise Lachance, an employee of the Department of Correction (see House, No. 4710), 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. Elise Lachance,—sick leave bank.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 4 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills

Authorizing the town of Hubbardston to send certain information to the voters relative to ballot questions (see Senate, No. 2090, amended) (which originated in the Senate); and Bills enacted.

Authorizing the town of Dennis to borrow in anticipation of reimbursements from betterments assessed (see House, No. 4244, amended); and

Authorizing the town of Seekonk to convert certain seasonal licenses for the sale of all alcoholic beverages or for the sale of wines and malt beverages to be drunk on the premises to annual licenses for such sale (see House, No. 4518, 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 it were signed by the acting Speaker and sent to the Senate.

Motion to Discharge a Certain Matter in the Orders of the Day.

Sudbury,—wireless contracts.

Before proceeding to consideration of the Orders of the Day, Mr. Conroy of Wayland moved that the engrossed Bill authorizing the town of Sudbury to enter into and to extend wireless facility contracts or leases for periods in excess of twenty years (see House, No. 4715) (which had been returned to the House by His Excellency the Governor with recommendation of amendment) (for message see House, No. 5009), be discharged from its position therein and considered forthwith, under suspension of Rule 47; and the motion prevailed.

The amendment recommended by His Excellency then was adopted in the following form (as approved by the committee on Bills in the Third Reading):

In section 2 (as engrossed) by inserting after the following "rebidding under said chapter 30B" the words "; provided, however, that the terms of the leases shall allow the town, at its sole discretion, to acquire said wireless service facilities at the depreciated cost" .

Orders of the Day.

Transitional assistance,—fraud.

The engrossed Bill prohibiting fraud and misapplication of Department of Transitional Assistance funds (see House, No. 4830), which had been contained in Section 11 of the General Appropriation Bill (see House, No. 4800), which had been returned by His Excellency the Governor with recommendation of amendment specified by him (for message, see House, No. 4840), was considered.

The committee on Bills in the Third Reading offered a special report.

Quorum.

Prior to the reading of the special report of the committee on Bills in the Third Reading, Mr. Frost of Auburn asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Donato) determined that a quorum was not in attendance, and, since a quorum was not present, under House Rule 82, the Chair, at fifteen minutes after eleven o'clock, declared an adjournment of the House, until the following Thursday at eleven o'clock A.M., in an Informal Session.

Thursday, November 4, 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.

Communication.

A communication from the Comptroller of the Commonwealth (under Section 12(a) of Chapter 7A of the General Laws) relative to the late submission of the Statutory Basis Financial Report for the fiscal year ended June 30, 2010, was placed on file.

Comptroller,—financial report.

Annual Reports.

Annual reports

Of the Division of Banks (under Section 13 of Chapter 167 of the General Laws) relative to describing and analyzing trends affecting the Commonwealth's banks and credit unions, for the fiscal year 2009;

Banking trends.

Of the Division of Banks (under Section 6A of Chapter 171 of the General Laws) relative to describing and analyzing trends affecting the Commonwealth's banks and credit unions, for the fiscal year 2010; and

Id.

Of the Rose Fitzgerald Kennedy Greenway Conservancy (under Chapter 306 of the Acts of 2008) describing its performance against the goals for the prior year, and detailing all revenues and expenditures of funds for the prior year, regardless of source, for the fiscal year 2010;

Rose Kennedy Greenway Conservancy.

Severally were placed on file.

Quarterly Report.

The third quarterly report of the Department of Transportation (under Section 149 of Chapter 25 of the Acts of 2009) relative to the progression of the incorporation of agencies and authorities into said department, was placed on file.

Department of Transportation,—quarterly report.

Resolutions.

Resolutions (filed with the Clerk by Messrs. Finegold of Andover and Miceli of Wilmington) congratulating Representative William G. Greene, Jr., on his induction into the Shawsheen Valley Technical High School Hall of Fame, were referred, under Rule 85, to the committee on Rules.

William G. Greene Jr.,—hall of fame.

Mr. Binienda of Worcester, for said committee, reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Fallon of Malden, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Gardner,—health insurance.

Mr. Rice of Gardner presented a petition (accompanied by bill, House, No. 5064) of Robert L. Rice, Jr. (with the approval of the mayor and city council) for legislation to authorize the city of Gardner to join the Group Insurance Commission; and the same was referred to the committee on Public Service. Sent to the Senate for concurrence.

Betty Garcia,—sick leave.

Mr. Rushing of Boston presented a petition (subject to Joint Rule 12) 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; and the same was referred, under Rule 24, to the committee on Rules.

Papers from the Senate.

Brimfield fund.

A Bill establishing a special fund in the town of Brimfield (Senate, No. 2625) (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.

PERAC,—governing rules.

A communication from the Public Employee Retirement Commission (under the provisions of Section 50 of Chapter 7 of the General Laws) submitting recommended amendments to the rules and regulations governing retirement of public employees in the Commonwealth (Senate, No. 2646) was referred, in concurrence, to the committee on Public Service.

Rutland,—town meetings.

A petition (accompanied by bill, Senate, No. 2647) of Stephen M. Brewer and Lewis G. Evangelidis (by vote of the town) for legislation to validate certain proceedings taken at the annual town meeting in the town of Rutland, was referred, in concurrence, to the committee on Election Laws.

Reports of Committees.

Elder abuse,—study.

By Ms. Wolf of Cambridge, for the committee on Elder Affairs, on House, No. 542, an Order relative to authorizing the committee on Elder Affairs to make an investigation and study of a certain House document concerning elder abuse (House, No. 5059) [Representative Poirier of North Attleborough, dissenting].

Financial Services,—study.

By Mr. Koutoujian of Waltham, for the committee on Financial Services, on House, Nos. 90, 866, 872, 878, 879, 885, 890, 898, 900, 904, 906, 908, 918, 921, 922, 931, 933, 934, 937, 939, 940, 942, 949, 950, 951, 965, 968, 972, 977, 985, 986, 989, 1000, 1003, 1009, 1010, 1014, 1018, 1025, 1031, 1032, 1045, 1049, 1056, 1059, 1060, 2825, 3448, 3563, 3564, 3888, 3892, 3893, 3895 and 3896, an Order relative to authorizing the committee on Financial Services to make an investigation and study of certain House documents concerning homeowner insurance, checking account overdraft fees, tobacco cessation health insurance coverage and other health insurance issues (House, No. 5060).

By the same member, for the same committee, on House, Nos. 860, 865, 913, 914, 927, 930, 968, 1012, 1020, 1044, 1052 and 1055, an Order relative to authorizing the committee on Financial Services to make an investigation and study of certain House documents concerning long-term care, underwriting guidelines, children's health insurance and other health insurance related issues (House, No. 5062). Financial Services,—study.

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.

Engrossed Bill.

The engrossed Bill establishing a sick leave bank for Elise Lachance, an employee of the Department of Correction (see House, No. 4710) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate. Bill enacted.

The engrossed Bill establishing a postemployment benefits trust fund in the town of Wayland (see House No. 5005) (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. Id.

Orders of the Day.

The engrossed Bill prohibiting fraud and misapplication of Department of Transitional Assistance funds (see House, No. 4830), which had been contained in Section 11 of the General Appropriation Bill (see House, No. 4800), which had been returned by His Excellency the Governor with recommendation of amendment specified by him (for message, see House, No. 4840), was considered. Transitional assistance,—fraud.

The committee on Bills in the Third Reading offered a special report.

Prior to the reading of the special report of the committee on Bills in the Third Reading, Mr. deMacedo of Plymouth asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Donato) determined that a quorum was not in attendance, and, since a quorum was not present, under House Rule 82, the Chair, at seven minutes after eleven o'clock, declared an adjournment of the House, until the following Monday at eleven o'clock A.M., in an Informal Session. Quorum.

Monday, November 8, 2010.

Met according to adjournment at eleven o'clock A.M., in an Informal Session, with Ms. Reinstein of Revere 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 (Ms. Reinstein), the members, guests and employees joined with her in reciting the pledge of allegiance to the flag.

Message from the Governor.

Bonds,— issued.

A message from His Excellency the Governor recommending legislation relative to providing the terms of certain bonds to be issued by the Commonwealth (House, No. 5065) was filed in the office of the Clerk on Friday, November 5, 2010.

The message was read; and it was referred, under Rule 17G, to the committee on Bonding, Capital Expenditures and State Assets.

Communications.

Communications

Civil Infraction Commission.

From the Boston Bar Association notifying the General Court of the designation, by Donald R. Frederico, President, of Jack Cinquegrana to serve on the permanent Civil Infraction Commission established (under Section 6 of Chapter 54 of the Acts of 2005) to study and analyze the imposition of civil penalties on certain offenses within the Commonwealth; and

Id.

From the Committee for Public Counsel Services notifying the General Court of the designation, by Anthony J. Benedetti, Chief Counsel, of Aviva Jeruchim to serve on the permanent Civil Infraction Commission established (under Section 6 of Chapter 54 of the Acts of 2005) to study and analyze the imposition of civil penalties on certain offenses within the Commonwealth;

Severally were placed on file.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

John Mauro, Sr.

Resolutions (filed by Representatives Dykema of Holliston and Gregoire of Marlborough) honoring John Mauro, Senior for his fifty years of service with the Southborough Fire Department;

Susan B. Samoriski.

Resolutions (filed by Messrs. Guyer of Dalton and Bosley of North Adams) honoring Dr. Susan B. Samoriski, founder and executive director of the Mary Lyon Foundation in Shelburne Falls;

Donald Gonynor.

Resolutions (filed by Mr. Kujawski of Webster) congratulating Chief Donald Gonynor on the occasion of his retirement from the Douglas Fire Department; and

Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) congratulating Harold L. Ordway, Ronald Ordway, Albert Ordway and Francis A. Ordway on the occasion of the dedication of the Ordway Brothers Square; Ordway Brothers Square.

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 Ms. Wolf of Cambridge, 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.

The engrossed Bill authorizing property tax exemption for certain small sheds and outbuildings in the Town of Carver (Senate, No. 2255) came from the Senate with an amendment adding the following sentence "This exemption shall only apply to sheds and outbuildings on the site of a manufactured home which is exempt from taxation pursuant to clause Thirty-Sixth of section 5 of chapter 59 of the General Laws.". Carver,— tax exemption.

Under suspension of Rule 35, on motion of Ms. Gifford of Wareham, 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 petition of Michael W. Morrissey (with the approval of the mayor and city council) for legislation to authorize the city of Quincy to abate fiscal year 2010 real property taxes, came from the Senate referred, under suspension of Joint Rule 7B, to the committee on Revenue. Quincy,— tax abatement.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2639) was referred, in concurrence, to the committee on Revenue.

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 Thomas J. Calter for legislation to establish a sick leave bank for Brian C. Linehan, an employee of the Department of Revenue. Under suspension of the rules, on motion of Mr. Smizik of Brookline, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence. Brian C. Linehan,— sick leave bank.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill establishing a special account for the town of Billerica Water Conservation Fund (House, No. 1918) be scheduled for consideration by the House. Billerica,— conservation fund.

Under suspension of Rule 7A, on motion of Mr. Greene of Billerica, the bill was read a second time forthwith; and it was ordered to a third reading.

Belmont,—alcoholic beverages.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the granting of licenses for the sale of all alcoholic beverages in certain restaurants in the town of Belmont (House, No. 5024) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Brownsberger of Belmont, the bill was read a second time forthwith; and it was ordered to a third reading.

Harwich,—alcoholic beverages.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the town of Harwich to issue additional liquor licenses (House, No. 5026) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Ms. Peake of Provincetown, the bill was read a second time forthwith; and it was ordered to a third reading.

Id.

Report of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10), on the residue of the petition (accompanied by bill, House, No. 4586) of Sarah K. Peake and Robert A. O'Leary (by vote of the town) that the town of Harwich be authorized to issue three additional licenses for the sale of all alcoholic beverages to be drunk on the premises.

Under suspension of the rules, on a motion of Ms. Peake of Provincetown, the report was considered forthwith. Pending the question on acceptance of the report, the petition was recommitted, on motion of the same member.

Motion to Discharge a Certain Matter in the Orders of the Day.

Water meters.

The Senate Bill relative to tampering with water company meters (Senate, No. 1486) was discharged from its position in the Orders of the Day, and considered forthwith, under suspension of Rule 47, on motion of Mr. Smizik of Brookline.

The bill, 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, its title having been changed by said committee to read: An Act relative to water company meters.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Wednesday next at eleven o'clock A.M.

At twenty-five minutes after eleven o'clock A.M., on motion of Mr. Fagan of Taunton (Ms. Reinstein of Revere being in the Chair), the House adjourned, to meet the following Wednesday at eleven o'clock A.M., in an Informal Session.

Wednesday, November 10, 2010.

Met according to adjournment at eleven o'clock A.M., in an Informal Session, with Ms. Reinstein of Revere 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 (Ms. Reinstein), the members, guests and employees joined with her in reciting the pledge of allegiance to the flag. Pledge of allegiance.

Communication.

A communication from the Human Resources Division of the Executive Office for Administration and Finance (under the provisions of Section 25 of Chapter 31 of the General Laws) submitting a list of certain public safety fire promotional lists which have been revoked by the Personnel Administrator as of November 1, 2010, was placed on file. Civil service lists.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Vallee of Franklin) recognizing John R. Padula on the occasion of his final night as "The Voice of the Franklin Panthers" after forty-five years; John R. Padula.

Resolutions (filed by Ms. Balser of Newton and other members of the House) commemorating the celebration of Chanukah 2010; Chanukah.

Resolutions (filed by Mr. Brownsberger of Belmont) on the occasion of celebrating the fifty-year service of Rev. Alfa J. Radford; Alfa J. Radford.

Resolutions (filed by Mr. Fagan of Taunton) congratulating Steve Hanna on the occasion of his retirement; Steve Hanna.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Robert John Nealon on earning the Eagle Scout Award; Robert John Nealon.

Resolutions (filed by Mr. Kafka of Stoughton) congratulating Eric S. Zandrow of Sharon Boy Scout Troop 95 on receiving the Eagle Award of the Boy Scouts of America; and Eric S. Zandrow.

Resolutions (filed by Representatives Smola of Palmer and Gobi of Spencer) commending Gilbert "Gibby" Michael St. George-Sorel on his dedication to the town of Ware on the occasion of his retirement from his position as the Superintendent of Public Works; Gilbert Michael St. George-Sorel.

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. Smizik of Brookline, 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.

The House Bill authorizing the town of Danvers to grant an additional license for the sale of wines and malt beverages (House, No. 4816) came from the Senate passed to be engrossed, in concurrence, with an Danvers,—alcoholic beverages.

Danvers,— alcoholic beverages.

amendment in section 1, in line 4, striking out the following "Edward Penta d/b/a" and in line 4 by inserting after the word "Shop" the following "— North, Inc.".

Under suspension of Rule 35, on motion of Mr. Speliotis of Danvers, 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.

Id.

The House Bill authorizing the town of Danvers to grant an additional license for the sale of wines and malt beverages (House, No. 4817) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1, in line 4, striking out the following "Dean Souza d/b/a".

Under suspension of Rule 35, on motion of Mr. Speliotis of Danvers, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith.

The committee on Bills in the Third Reading reported recommending that the House concur with the Senate in its amendments with a further amendment in line 4 by inserting after the word "Shop", the following: ", Inc.". 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.

Francis Bedard,— sick leave bank.

A Bill establishing a sick leave bank for Francis Bedard, an employee of the Department of Correction (Senate, No. 2648) (on Senate, No. 2640), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reports of Committees.

Tanya Robideau,— sick leave bank.

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 Kate Hogan for legislation to establish a sick leave bank for Tanya Robideau, and employee of the Department of Correction. Under suspension of the rules, on motion of Mr. Pedone of Worcester, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Public Safety and Homeland Security,— study.

By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, on House, Nos. 33, 35, 44, 47, 48, 49, 50, 2189, 2190, 2191, 2192, 2194, 2195, 2196, 2197, 2198, 2200, 2202, 2203, 2207, 2210, 2212, 2216, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2230, 2231, 2233, 2242, 2243, 2246, 2247, 2248, 2249, 2250, 2253, 2254, 2255, 2256, 2257, 2258, 2260, 2262, 2263, 2264, 2265, 2267, 2268, 2269, 2270, 2271, 2276, 2277, 2280, 2282, 2284, 2287, 2289, 2290, 2291, 2294, 2297, 2298, 2299, 2300, 2302, 2303, 2305, 3224, 3297, 3330, 3368, 3481, 3601, 3602, 3724, 3925, 3926 and 4332, an Order relative to authorizing the committee on Public Safety and Homeland Security to make an investigation and study of a certain House documents concerning fire-

fighters, license to carry weapons, hunting and other public safety issues (House, No. 5066).

By Mr. Wagner of Chicopee, for the committee on Transportation, on House, Nos. 3153, 3156, 3162, 3163, 3169, 3170, 3178, 3186, 3207, 3211, 3227, 3229, 3231, 3234, 3241, 3252, 3255, 3256, 3264, 3270, 3271, 3273, 3281, 3284, 3292, 3296, 3298, 3299, 3304, 3315, 3317, 3322, 3328, 3333, 3340, 3342, 3343, 3344, 3348, 3351, 3353, 3358 and 3370, an Order relative to authorizing the committee on Transportation to make an investigation and study of certain House documents concerning motor vehicle registration plates, the Massachusetts Bay Transportation Authority and other transportation issues (House, No. 5063). Transportation,—study.

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.

By Mr. Walsh of Lynn, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill designating a certain courtroom in the Marlborough District Courthouse as the Jonathan Brant Courthouse (House, No. 5061). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Marlborough,—courthouse.

Motions to Discharge Certain Matters in the Orders of the Day.

A Bill exempting the position of deputy chief of police in the city of Somerville from the provisions of civil service law (Senate, No. 2263), was discharged from its position in the Orders of the Day, under suspension of Rule 47, on motion of Mr. Pedone of Worcester. 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. Somerville,—deputy police chief.

The following House bills (having been reported by the committee on Bills in the Third Reading to be correctly drawn) were discharged from their position in the Orders of the Day and read a third time forthwith, under suspension of the rules, in each instance, on motion of Mr. Pedone of Worcester:

Further regulating the issuance of firearm identification cards and licenses to carry firearms (House, No. 2229); and Firearm identification cards.

Relative to certain members of the Cambridge retirement system (House, No. 4280). Mary Ellen Galante and Valerie Ososky.

Severally were passed to be engrossed. Severally sent to the Senate for concurrence.

The Senate Bill relative to the estate of homestead (Senate, No. 2406), reported by the committee on Bills in the Third Reading to be correctly Homestead protection.

Homestead protection.

drawn, was discharged from its position in the Orders of the Day and read a third time forthwith, under suspension of the Rule 47, on motion of Mr. Pedone of Worcester.

Pending the question on passing the bill to be engrossed, in concurrence, Mr. Scaccia of Boston moved to amend it by adding the following section:

"SECTION 4. All lending institutions shall notify all existing mortgages holders with a written notice of the right to declare a homestead exemption. The notice shall include, but not be limited to, a summarization of the difference between an automatic homestead exemption and the declared homestead exemption available under chapter 188 of the General Laws. Each existing mortgagor shall acknowledge receipt of this written notice in writing.".

The amendment was adopted; and the bill was passed to be engrossed, in concurrence. The bill (Senate, No. 2406, amended) then was sent to the Senate for concurrence in the amendment.

Emergency Measure.

Patrick Cuervels.

The engrossed Bill establishing a sick leave bank for Patrick Cuervels, an employee of the Trial Court (see House, No. 5046), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 8 to 0. Sent to the Senate for concurrence.

Bill enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and Senate to the Senate.

Engrossed Bills.

Bill re-enacted.

The engrossed Bill authorizing property tax exemption for certain small sheds and outbuildings in the town of Carver (see Senate, No. 2255, amended) (which originated in the Senate) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted.

The engrossed Bill relative to water company meters (see Senate, No. 1486) (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.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

At eleven minutes before twelve o'clock noon, on motion of Ms. Benson of Lunenburg (Ms. Reinstein of Revere being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.

Monday, November 15, 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).

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.

Communication.

Civil Infraction Commission.

A communication from the Chief Justice for Administration and Management of the Trial Court informing the General Court of the appointment of Dr. Francis J. Carney, Jr., Executive Director, as a member representing the Trial Court to the permanent Civil Infraction Commission established (under Section 6 of Chapter 54 of the Acts of 2005) to study and analyze the imposition of civil penalties on certain offenses within the Commonwealth, was spread upon the records of the House and placed on file.

Annual Report.

Youth Services,— sex offenders.

The annual report of the Department of Youth Services (under Section 16 of Chapter 123A of the General Laws) relative to the sexually dangerous persons for the year 2010, was placed on file (a copy was forwarded to the joint committee on the Judiciary and the House committee on Ways and Means, as required by said law).

Petitions.

Petitions severally were presented and referred as follow:

Reading,— liquor license.

By Mr. Jones of North Reading, petition (accompanied by bill, House, No. 5068) of Bradley H. Jones, Jr., and others (by vote of the town) that the town of Reading be authorized to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises. To the committee on Consumer Protection and Professional Licensure.

Orange,— insurance trust fund.

By Mr. Donelan of Orange, petition (accompanied by bill, House, No. 5069) of Christopher J. Donelan and Stephen M. Brewer (by vote of the town) that the town of Orange be authorized to issue bonds and notes for the purpose of fully funding the Group Health Insurance Trust Fund; and

Reading,— annual town meeting.

By Mr. Jones of North Reading, petition (accompanied by bill, House, No. 5070) of Bradley H. Jones, Jr., and Bruce E. Tarr (by vote of the town) that the town of Reading be authorized to change the date of the annual town meeting in said town;

Severally to the committee on Municipalities and Regional Government.

Severally sent to the Senate for concurrence.

Mr. Kocot of Northampton presented a petition (subject to Joint Rule 12) of Peter V. Kocot and Stanley C. Rosenberg for legislation to establish a sick leave bank for Kathryn Beaupre, an employee of the Department of Public Health; and the same was referred, under Rule 24, to the committee on Rules.

Kathryn Beaupre,— sick leave bank.

Papers from the Senate.

A Bill relative to the issuance of uniform police identification cards (Senate, No. 2649) (on Senate, No. 996, amended), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Police,— identification cards.

A Bill establishing a sick leave bank for Frank J. Servello, an employee of the Executive Office of Public Safety and Security (Senate, No. 2650) (on Senate, No. 2641), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Frank J. Servello,— sick leave bank.

Reports of Committees.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Senate Bill establishing a sick leave bank for Francis Bedard, an employee of the Department of Correction (Senate, No. 2648) be scheduled for consideration by the House.

Francis Bedard,— sick leave bank.

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.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill designating a certain courtroom in the Marlborough district courthouse as the Jonathan Brant courtroom (House, No. 5061) be scheduled for consideration by the House.

Marlborough,— Jonathan Brant courtroom.

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.

Engrossed Bills.

Engrossed bills

Exempting the position of deputy chief of police in the city of Somerville from the provisions of civil service law (see Senate No. 2263) (which originated in the Senate); and

Bills enacted.

Relative to the position of police chief in the town of Belmont (see House No. 4416);

Relative to the room occupancy tax in the town of Provincetown (see House No. 4653); and

Authorizing the town of Danvers to grant an additional license for the sale of wines and malt beverages (see House, No. 4816, 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.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Thursday next at eleven o'clock A.M.

At eleven minutes after eleven o'clock A.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.

Thursday, November 18, 2010.

The House was called to order 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), there being no objection, later than the time to which it had adjourned, at six minutes after one o'clock P.M.

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.

Communication.

SBLI,— articles of organization.

A communication from the Secretary of the Commonwealth, transmitting notice of the adoption of Restated Articles of Organization of the Savings Bank Life Insurance Company of Massachusetts (under the provisions of Section 4 of Chapter 176 of the Acts of 2010), was placed on file.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Honorable Susan C. Tucker.

Resolutions (filed by Representatives L'Italien of Andover, Finegold of Andover, Torrisi of North Andover, Devers of Lawrence, Garry of Dracut and Miceli of Wilmington) congratulating Senator Susan C. Tucker on over two decades of combined service representing the people of Andover, Dracut, Lawrence and Tewksbury in the Massachusetts State Legislature; and

Andrew Driscoll.

Resolutions (filed by Mr. Stanley of Waltham) congratulating Andrew Driscoll on the occasion of his seventieth birthday;

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. Stanley of Waltham, 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:

Milford,— alcoholic beverages.

By Representative Fernandes of Milford and Senator Richard T. Moore, a joint petition (accompanied by bill House, No. 5071) of John V. Fernandes and Richard T. Moore (by vote of the town) that the town of Milford be authorized to issue an additional license for the sale of alcoholic beverages to be drunk on the premises to Fun Zone, LLC, of said town;

Millbury,— alcoholic

By Representative Frost of Auburn and Senator Michael O. Moore, a joint petition (accompanied by bill House, No. 5076) of Paul K. Frost and Michael O. Moore (by vote of the town) for legislation to authorize the town of Millbury to issue two additional licenses for the sale of alcoholic beverages to be drunk on the premises; and

Revere,— motor vehicle licenses.

By Ms. Reinstein of Revere, a petition (accompanied by bill House, No. 5074) of Kathi-Anne Reinstein and Sal DiDomenico (with the approval of the mayor and city council) for legislation to regulate the issuance of second hand motor vehicle licenses in the city of Revere;

Severally to the committee on Consumer Protection and Professional Licensure.

Milford,— geriatric authority.

Representative Fernandes of Milford and Senator Richard T. Moore, a joint petition (accompanied by bill House, No. 5072) of John V. Fernandes and Richard T. Moore (by vote of the town) relative to the operation of the geriatric authority of the town of Milford. To the committee on Municipalities and Regional Government.

Malden,— early retirement.

By Representative Donato of Medford and Senator Tisei, a joint petition (accompanied by bill House, No. 5073) of Paul J. Donato of Medford and Richard R. Tisei (with the approval of the mayor and city council) that the city of Malden be authorized to provide for a work force reduction plan through the implementation of an early retirement incentive program for certain employees. To the committee on Public Service.

Severally sent to the Senate for concurrence.

Maurice Jandreau,— sick leave bank.

Mr. Koczera of New Bedford presented a joint petition (subject to Joint Rule 12) of Robert M. Koczera and Mark C. Montigny for legislation to establish a sick leave bank for Maurice Jandreau, an employee of the Trial Court; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Kafka of Stoughton, 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.

Cambridge,— North Point.

Mr. Toomey of Cambridge presented a petition (subject to Joint Rule 12) of Timothy J. Toomey, Jr. relative to the environmental review process for the development of a certain parcel of land located in the North Point area of the city of Cambridge ; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Kafka of Stoughton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

North Adams,— land.

By Mr. Bosley of North Adams, a petition (subject to Joint Rule 12) of Daniel E. Bosley relative to the conveyance of a certain parcel of land by the Division of Capital Asset Management and Maintenance to the city of North Adams.

By Mr. Walsh of Boston, a petition (subject to Joint Rule 12) of Martin J. Walsh for legislation to establish a sick leave bank for Doreen Edwards, an employee of the Boston Municipal Court. Doreen Edwards,— sick leave.

By Mr. Walsh of Boston, a petition (subject to Joint Rule 12) of Martin J. Walsh for legislation to establish a sick leave bank for Robert Manning, an employee of the Dorchester Division of the Boston Municipal Court. Robert Manning,— sick leave bank.

Severally, under Rule 24 to the committee on Rules.

Papers from the Senate.

The House Bill relative to the other post employment benefits trust fund of the town of Belmont (House, No. 4223) 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 2638. Belmont,— trust fund.

Under suspension of Rule 35, on motion of Mr. Brownsberger of Belmont, 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 Belmont to recall elected officials (House, No. 4414) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 3, in lines 17 to 22, inclusive (as changed by the committees on Bills in the Third Reading), striking out the sentence contained therein and inserting in place thereof the following sentence: "If within 30 days after the delivery by the town clerk of the petition forms, the petition, signed by not less than 20 per cent of the registered voters of the town, including at least 5 per cent of the registered voters from each precinct, is filed with the town clerk, the town shall certify the number of signatures which are names of voters in the town and precincts, as appropriate, and if the clerk determines that it contains a sufficient number of valid signatures, the clerk shall, within 5 business days, submit the petition to the board of selectmen.". Belmont,— recalls.

Under suspension of Rule 35, on motion of Mr. Brownsberger of Belmont, 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 Bill authorizing the city of Melrose to appropriate funds from the Mount Hood Memorial Park and Golf Enterprise Fund to pay certain debt service (Senate, No. 2637) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Melrose,— debt service.

A petition (accompanied by bill, Senate, No. 2651) of Stephen M. Brewer and Anne M. Gobi (by vote of the town) for legislation relative to the tax collector in the town of Brookfield, was referred, in concurrence, to the committee on Municipalities and Regional Government. Brookfield,— tax collector.

Reports of Committees.

Betty Garcia,—sick leave bank.

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 joint petition 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 motion of Mr. Kafka of Stoughton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Retirement commission.

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 at petition of Robert F. Fennell relative to establishing a public employee retirement commission within the Executive Office for Administration and Finance. Under suspension of the rules, on motion of Mr. Kafka of Stoughton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Consumer Protection and Professional Licensure,—study.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on House, Nos. 223, 229, 279, 313, 321, 3546 and 3868, an Order relative to authorizing the committee on Consumer Protection and Professional Licensure to make an investigation and study of certain House documents concerning telemarketing, door-to-door sales, consumer rebates and other consumer issues (House, No. 5077). 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.

Bonds,—issuance.

By Mr. Cabral of New Bedford, for the committee on Bonding, Capital Expenditures and State Assets, on a message from His Excellency the Governor, a Bill providing the terms of certain bonds to be issued by the Commonwealth (printed in House, No. 5065). Read; and referred, under Rule 33, to the committee on Ways and Means.

Motor vehicles,—glass repairs.

By Mr. Murphy of Burlington, for the committee on Ways and Means, on House bills Nos. 883 and 4538, a Bill relative to motor vehicle glass repair shop registration (House, No. 5080). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, then reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Murphy of Burlington, for the committee on Ways and Means that the Bill relative to the purchase of flags in the Commonwealth (House, No. 1157) ought to pass with an amendment by substituting therefore a bill with the same title (House, No. 5081). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending. Flags,— purchases.

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 Rule 7A, on motion of the same member, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill (House, No. 5081) was ordered to a third reading.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Senate Bill establishing a sick leave bank for Frank J. Servello, an employee of the Executive Office of Public Safety and Security (Senate, No. 2650) be scheduled for consideration by the House. Frank J. Servello,— sick leave bank.

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.

Engrossed Bill.

The engrossed Bill relative to the Mattapoisett River Valley Water Supply Protection Advisory Committee (see House, No. 4858) (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.

Motions to Discharge Certain Matters in the Orders of the Day.

The Senate Bill establishing a sick leave bank for Francis Bedard, an employee of the Department of Correction (Senate, No. 2648) 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. Francis Bedard,— sick leave bank.

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 House Bill relative to the granting of licenses for the sale of all alcoholic beverages in certain restaurants in the town of Belmont (House, No. 5024) was discharged from its position in the Orders of the Day, and considered forthwith, under suspension of Rule 47, on motion of Mr. Brownsberger of Belmont. Belmont,— alcoholic beverages.

The bill, 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 authorizing the town of Belmont to grant licenses for the sale of all alcoholic beverages in certain restaurants.". Sent to the Senate for concurrence.

Harwich,—alcoholic beverages.

The House Bill authorizing the town of Harwich to issue additional liquor licenses (House, No. 5026) was discharged from its position in the Orders of the Day, under suspension of Rule 47, on motion of Ms. Clark of Melrose. The bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) then was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Pedone Worcester moved to amend it by adding the following section:

"SECTION 2. This act shall take effect upon its passage.".

The amendment was adopted; and the bill (House, No. 5026, amended) was passed to be engrossed, its title having been changed by said committee to read: "An Act authorizing the town of Harwich to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises.". Sent to the Senate for concurrence.

Marlborough,—Jonathan Brant Courtroom.

The House Bill designating a certain courtroom in the Marlborough District Courthouse as the Jonathan Brant Courtroom (House, No. 5061) was discharged from its position in the Orders of the Day, and considered forthwith, under suspension of Rule 47, on motion of Mr. Brownsberger of Belmont.

The bill, 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, its title having been changed by said committee to read: "An Act designating a courtroom in the Marlborough District Courthouse as the Jonathan Brant Courtroom.". Sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

At twenty four minutes before one 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.

Monday, November 22, 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.

Appointment to an Executive Interagency Council.

The Speaker announced that (pursuant to Executive Order No. 496) he had appointed Mr. Walsh of Boston to the Interagency Council on Substance Abuse and Prevention

Substance Abuse Council.

Communication from the Attorney General of the Commonwealth.

A communication from the Attorney General of the Commonwealth announcing her selection of Glenn Cunha, Deputy Chief of the Criminal Bureau as her designee to serve on the permanent commission established (under Section 6 of Chapter 54 of the Acts of 2005) to study and analyze the imposition of civil penalties on certain offenses within the Commonwealth, was spread upon the records of the House; and placed on file.

Civil penalty imposition commission.

Resolutions.

Resolutions (filed with the Clerk by Mr. Rosa of Leominster) congratulating Louis Charpentier on the occasion of his one hundredth birthday were referred, under Rule 85, to the committee on Rules.

Louis Charpentier.

Mr. Binienda of Worcester, for said committee, reported, that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Sullivan of Fall River, 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.

Bills

Providing for the establishment of a fire department in the town of Newbury (Senate, No. 2516) (on a petition) [Local Approval Received]; and

Newbury,—fire department.

Authorizing the town of Cummington to continue the employment of police chief Dennis W. Forgea (Senate, No. 2632, amended by striking out section 1 and inserting in place thereof the following section:

Cummington,—police chief.

"SECTION 1. Notwithstanding any general or special law to the contrary, the town of Cummington may continue the employment of Dennis W. Forgea as the chief of the town's police department until June 30, 2015, the date of his retirement or his non-reappointment by the board of selectmen; provided, however, that no further deductions

Cummington,—police chief.

shall be made from the regular compensation of Dennis W. Forgea under chapter 32 of the General Laws for service subsequent to November 4, 2010.") (on a petition) [Local Approval Received];

Severally, passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Heidi Howard,—sick leave bank.

Petition (accompanied by bill, Senate, No. 2655) of Stephen M. Brewer, Brian M. Ashe and Todd M. Smola for legislation to establish a sick leave bank for Heidi Howard, an employee of the Department of Developmental Services. To the committee on Public Service.

Wakefield,—easement abandonment.

Petition (accompanied by bill, Senate, No. 2654) of Richard R. Tisei, Katherine Clark and Mark V. Falzone for legislation to provide for the abandonment of a certain Wakefield easement. To the committee on State Administration and Regulatory Oversight.

Reports of Committees.

North Adams,—land.

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 Daniel E. Bosley relative to the conveyance of a certain parcel of land by the Division of Capital Asset Management and Maintenance to the city of North Adams. Under suspension of the rules, on motion of Mr. Fagan of Taunton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

Emergency Measures.

Francis Bedard,—sick leave.

The engrossed Bill establishing a sick leave bank for Francis Bedard, an employee of the Department of Correction (see Senate, No. 2648), 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 7 to 0. Sent to the Senate for concurrence.

Bill enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and Senate to the Senate.

Jonathan Brant Courtroom.

The engrossed Bill designating a courtroom in the Marlborough District Courthouse as the Jonathan Brant Courtroom (see House, No. 5061), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 9 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and Senate to the Senate.

Bill enacted.

Engrossed Bills.

Engrossed bills

Relative to the Other Post Employment Benefits Trust Fund of the town of Belmont (see House, No. 4223, amended); and

Bills enacted.

Authorizing recall elections in the town of Belmont (see House, No. 4414, 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.

Motions to Discharge Certain Matters in the Orders of the Day.

The Senate Bill establishing a sick leave bank for Frank J. Servello, an employee of the Executive Office of Public Safety and Security (Senate, No. 2650) was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Pedone of Worcester.

Frank J. Servello,— sick leave.

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 House Bill establishing a special account for the town of Billerica water conservation fund (House, No. 1918) was discharged from its position in the Orders of the Day, and considered forthwith, under suspension of Rule 47, on motion of Mr. Pedone of Worcester.

Billerica,— water conservation 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. Sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

Ordered, That when the House adjourns today, it adjourn to meet on Wednesday next at eleven o'clock A.M.

Next sitting.

At twenty-nine minutes after eleven o'clock A.M., on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Wednesday at eleven o'clock A.M., in an Informal Session.

Wednesday, November 24, 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).

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.

Communication.

Norfolk County Registry of Deeds.

A communication from the Norfolk County Registry of Deeds (under Section 2KKK of Chapter 29 of the General Laws) submitting an initial plan for expenditure from the County Registers Technological Fund for technological improvements at said registry (copies of said communication referred, as required under said law, to the committee on Ways and Means and the committee on Post Audit and Oversight).

Annual Reports.

Annual reports

MassDOT,—annual report.

Of the Massachusetts Department of Transportation (under Chapter 25 of the Acts of 2009) for the year 2010; and

Emergency answering system.

Of the State 911 Department and State 911 Commission (under the provisions of Section 2 of Chapter 223 of the Acts of 2008) relative to the implementation of the enhanced emergency 9-1-1 public safety answering system for the year 2009 (copies of said report forwarded, as required under said law, to the committee on Ways and Means and the committee on Public Safety and Homeland Security).

Severally were placed on file.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Chabad of Nashoba Valley.

Resolutions (filed by Mr. Arciero of Westford) commemorating the 2010 celebration of Chanukah by Chabad of Nashoba Valley;

Scott Clark.

Resolutions (filed by Mr. Fagan of Taunton) honoring Scott Clark on his many accomplishments at the Old Colony YMCA; and

Irving I. Wallace.

Resolutions (filed by Ms. Gifford of Wareham) congratulating Lieutenant Irving I. Wallace on the occasion of his retirement from the Wareham Police Department.

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. Honan 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.

Petitions.

Representative Fernandes of Milford and Senator Richard T. Moore presented a joint petition (accompanied by bill House, No. 5088) of John V. Fernandes and Richard T. Moore (by vote of the town) relative to the establishment of certain employment contracts for the town of Milford; and the same was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Milford,—contracts.

Mr. Straus of Mattapoisett presented a petition (subject to Joint Rule 12) of William M. Straus and Anthony W. Petruccelli for legislation to extend the filing date of the special commission (including members of the General Court) established to make an investigation and study of the water quality of the lower basin of the Charles River; and the same was referred, under Rule 24, to the committee on Rules.

Charles River water quality,—study.

Papers from the Senate.

A Bill validating certain proceedings in the town of Rutland (Senate, No. 2647) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Rutland,—proceedings.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 2652) of Bruce E. Tarr and Bradford Hill (by vote of the town) for legislation to authorize the town of Ipswich to grant an easement for the north green sidewalk. To the committee on Municipalities and Regional Government.

Ipswich,—easement.

Petition (accompanied by bill, Senate, No. 2653) of Bruce E. Tarr and Bradford Hill (by vote of the town) for legislation to authorize the town of Boxford to negotiate and purchase group insurance policies. To the committee on Public Service.

Boxford,—health insurance.

Reports of Committee.

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 the prevention of falls in the elderly community (Senate, No. 2240);

Elderly,—falls.

Validating certain proceedings of the Pathfinder Regional Vocational Technical High School District (Senate, No. 2536, amended) [Local Approval Received];

Pathfinder School District.

Relative to the position of appointed treasurer-collector in the town of Florida (Senate, No. 2551) [Local Approval Received];

Florida,—treasurer.

Establishing a special fund in the town of Brimfield (Senate, No. 2625) [Local Approval Received];

Brimfield,—special fund.

Changing the boundary line between Charlemont and Hawley (Senate, No. 2628) [Local Approval Received]; and

Charlemont and Hawley.

Relative to the transfer of boat registrations between family members (Senate, No. 2633); and

Boat registrations.

House bills

Palmer Fire and Water District.

Relative to the appointment of the treasurer of Palmer Fire District Number One and Palmer Water District Number One (House, No. 1881);

Arlington,— senior safety.

Authorizing the town of Arlington to establish senior citizen safety zones (House, No. 4805) [Local Approval Received];

Saugus,— charter.

Amending the charter in the town of Saugus (House, No. 5007) [Local Approval Received];

Tisbury,— water supply.

Relative to the Tisbury water supply system (House, No. 5014) [Local Approval Received];

Eastham,— charter.

Amending the charter of the town of Eastham (House, No. 5043) [Local Approval Received]; and

Id.

Amending the charter of the town of Eastham to provide for the appointment of the town treasurer/collector (House, No. 5044) [Local Approval Received];

Under suspension of Rule 7A, in each instance, on motion of Mr. Kafka, the bills severally were read a second time forthwith; and they were ordered to a third reading.

Melrose,— debt service.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Senate Bill authorizing the city of Melrose to appropriate funds from the Mount Hood Memorial Park and Golf Course Enterprise Fund to pay certain debt service (Senate, No. 2637) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Ms. Clark of Melrose, the bill was read a second time forthwith; and it was ordered to a third reading.

North Andover,— Christopher M. Dufresne.

Report of the committee on Public Service, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 5011) of David M. Torrisi and others (by vote of the town) that the town of North Andover be authorized to appoint Christopher M. Dufresne as a fire fighter in said town, notwithstanding the maximum age requirements.

Under suspension of the rules, on a motion of Mr. Kafka of Stoughton, the report was considered forthwith.

Pending the question on acceptance of the report, the petition was recommitted, on motion of Mr. Spellane of Worcester.

Consumer Protection and Professional Licensure,— study.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on House, Nos. 213, 232, 240, 242, 253, 282, 285, 288, 293, 304, 305, 319, 396, 3425, 3861 and 3862, an Order relative to authorizing the committee on Consumer Protection and Professional Licensure to make an investigation and study of certain House documents concerning sales of motor vehicles, storage charges of involuntarily towed motor vehicles and lending practices of motor vehicle dealers (House, No. 5086). 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.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill establishing a sick leave bank for Maurice Jandreau (House, No. 5083). Maurice Jandreau.

By Mr. Donato of Medford, for the committee on the Municipalities and Regional Government, on a petition, a Bill changing the date of the annual town meeting in the town of North Reading (House, No. 5070). North Reading,— town meeting.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Tanya Robideau, an employee of the Massachusetts department of corrections (House, No. 5079). Tanya Robideau,— sick leave.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Emergency Measure.

The engrossed Bill establishing a sick leave bank for Frank J. Servello, an employee of the Executive Office of Public Safety and Security (see Senate, No. 2650), 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. Frank J. Servello.

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 Bill.

The engrossed Bill authorizing the town of Rehoboth to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 4847) (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 Monday next at eleven o'clock A.M. Next sitting.

At a quarter before twelve o'clock noon, on motion of Mr. Peterson of Grafton (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.

Monday, November 29, 2010.

Met according to adjournment at eleven o'clock A.M., in an Informal Session, with Mr. Kafka of Stoughton 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. Kafka), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Papers from the Senate.

Estate of homestead.

The Senate Bill relative to the estate of homestead (Senate, No. 2406), 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 4878, amended) with further amendments in section 1, in line 72, striking out the words "and levy" and inserting place thereof the words ", levy and sale for payment of debts and legacies", and, in line 126, striking out the following "3 and" and inserting in place thereof the following "subsection (a) of section 3 and section"; and striking out section 4.

Under suspension of Rule 35, on motion of Mr. Koczera of New Bedford, the further amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

School principals.

The House Bill providing equity for school principals (House, No. 371, changed), 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 following:

"The second paragraph of section 41 of chapter 71 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— School principals, by whatever title their position may be known, shall not be represented in collective bargaining, but every principal shall meet and discuss individually the terms and conditions of the principal's employment in the principal's school district with such district's superintendent or the superintendent's designee at a time to be determined by the superintendent and may be represented by an attorney or other representative; provided, however, that the meeting may be waived if the principal and superintendent consent.".

Under suspension of Rule 35, on motion of Mr. Fagan of Taunton, 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.

Littleton,— light department.

The House Bill relative to the town of Littleton electric light department (House, No. 4741), came from the Senate passed to be engrossed, in concurrence, with an amendment striking out section 1 and inserting in place thereof the following section:

"SECTION 1. Notwithstanding section 129C of chapter 149 of the General Laws, lineworkers employed by the town of Littleton electric light department and other qualified persons, as determined by the department, may work on live wires, electrical equipment or other energized conductors up to 25,000 volts phase-to-phase or 14,400 volts phase-to-ground directly with rubber gloves, when de-energizing is not feasible and only when following the applicable provisions of the most recent American Public Power Association Safety Manual, concerning proper safe work practices, personal protective equipment and clothing.".

Under suspension of Rule 35, on motion of Mr. Koczera of New Bedford, 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.

Bills

Authorizing underage law enforcement agents to participate in selective liquor enforcement programs (Senate, No. 172) (on a petition); and

Liquor enforcement.

Amending the charter of the town of Middleborough (Senate, No. 2617) (on a petition) [Local Approval Received];

Middleborough,—town charter.

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

A petition (accompanied by bill, Senate, No. 2656) of Therese Murray (by vote of the town) for legislation to authorize the appointment of Drew Lonergan as a police officer in the town of Bourne, was referred, in concurrence, to the committee on Public Service.

Bourne,—Drew Lonergan.

Reports of Committees.

Mr. Walsh of Boston presented a petition (subject to Joint Rule 12) of Martin J. Walsh for legislation to establish a sick leave bank for Doreen Edwards, an employee of the Boston Municipal Court; and the same was referred, under Rule 24, to the committee on Rules.

Doreen Edwards,—sick leave bank.

Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Rushing 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.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Brian C. Linehan, an employee of the Department of Revenue (House, No. 5067). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Brian Linehan,—sick leave bank.

Mr. Kafka of Stoughton, for said committee then reported recommending that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Ms. Dykma of Holliston, the bill was read a second time forthwith; and it was ordered to a third reading.

North Reading,— town meeting.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill changing the date of the annual town meeting in the town of North Reading (House, No. 5070) [Local Approval Received] be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Sullivan of Fall River, the bill was read a second time forthwith; and it was ordered to a third reading.

Tanya Robideau,— sick leave bank.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill establishing a sick leave bank for Tanya Robideau, an employee of the Massachusetts department of corrections (House, No. 5079) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Ms. Clark of Melrose, the bill was read a second time forthwith; and it was ordered to a third reading.

Maurice Jandreau,— sick leave bank.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill establishing a sick leave bank for Maurice Jandreau (House, No. 5083) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Fagan of Taunton, the bill was read a second time forthwith; and it was ordered to a third reading.

Consumer Protection and Professional Licensure,— study.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on House, Nos. 238, 239, 244, 259, 261, 267, 284, 314, 323, 3863, 3865 and 3870, an Order relative to authorizing the committee on Consumer Protection and Professional Licensure to make an investigation and study of certain House documents concerning banking, credit card and gift card issues (House, No. 5089). 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.

Motions to Discharge Certain Matters in the Orders of the Day.

The following Senate bills were discharged from their position in the Orders of the Day and considered forthwith, under suspension of the Rule 47, in each instance, on motion of Mr. Kozcera of New Bedford:

"Warehouser".

Clarifying the term "warehouser or other storage facility" (Senate, No. 1791);

Carver,— funds.

Authorizing the town of Carver to divert funds from the conservation fund (Senate, No. 2095);

Carver,— property taxes.

Relative to payment of property taxes in the town of Carver (Senate, No. 2145); and

Relative to the position of appointed treasurer-collector in the town of Florida (Senate, No. 2551); Florida,— treasurer.

The bills, severally having been reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

The following Senate bills were discharged from their position in the Orders of the Day and considered forthwith, under suspension of the Rule 47, in each instance, on motion of Ms. Dykema of Holliston:

Changing the boundary line between Charlemont and Hawley (Senate, No. 2628); and Charlemont and Hawley.

Authorizing the city of Melrose to appropriate funds from the Mount Hood Memorial Park and Golf Course Enterprise Fund to pay certain debt service (Senate, No. 2637); Melrose,— debt service.

The bills, severally having been reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

The House Bill relative to apprentice training (House, No. 4580) was discharged from its position in the Orders of the Day, and considered forthwith, under suspension of Rule 47, on motion of Ms. Dykema of Holliston. Apprentice training.

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.

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.

Mr. Fallon of Malden then moved that as a mark of respect to the memory of James V. DiPaola, a member of the House from Malden from 1993 to 1996, inclusive, and Sheriff of Middlesex County from 1996 to 2010, the House adjourn; and the motion prevailed.

At twenty minutes before twelve o'clock noon, on motion of Mr. Fagan of Taunton (Mr. Kafka of Stoughton being in the Chair), the House adjourned, to meet the following Thursday at eleven o'clock A.M., in an Informal Session.

Thursday, December 2, 2010.

Met according to adjournment at eleven o'clock A.M., in an Informal Session, with Mr. Kafka of Stoughton 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. Kafka), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Appointment of the Minority Leader.

Sheriffs' offices reorganization commission.

The Minority Leader announced that he had appointed Representative-elect Vieira of Falmouth to replace Representative Perry of Sandwich as his designee to the special commission established (under Section 22 of Chapter 61 of the Acts of 2009) to study the reorganization or consolidation of sheriffs' offices.

Communication.

Division of Marine Fisheries,—saltwater permits.

A communication from the Division of Marine Fisheries submitting proposed fees associated with said division's new recreational saltwater permit program regulations in CMR 7.00 and the estimated revenues to be raised from the fees (copies of said communication forwarded to the committee on Ways and Means and the committee on Environment, Natural Resources and Agriculture), was placed on file.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Patrick T. Walsh.

Resolutions (filed by Mr. deMacedo of Plymouth) congratulating Patrick T. Walsh on receiving the Eagle Award of the Boy Scouts of America;

Kevin Dozois.

Resolutions (filed by Mr. Kafka of Stoughton) congratulating Kevin Dozois of Sharon Boy Scout Troop 95 on earning the Eagle Scout Award;

James McManus.

Resolutions (filed by Mr. Kafka of Stoughton) congratulating James McManus of Sharon Boy Scout Troop 95 on earning the Eagle Scout Award;

Kyle Seggelin.

Resolutions (filed by Mr. Kafka of Stoughton) congratulating Kyle Seggelin of Sharon Boy Scout Troop 95 on earning the Eagle Scout Award;

Evan Tatro.

Resolutions (filed by Mr. Kafka of Stoughton) congratulating Evan Tatro of Sharon Boy Scout Troop 95 on earning the Eagle Scout Award;

Nancy K. Kaufman.

Resolutions (filed by Mr. Kaufman of Lexington and other members of the House) commemorating the contributions of Nancy K. Kaufman;

Bonnie Isman.

Resolutions (filed by Ms. Story of Amherst) honoring Bonnie Isman, Director of the Jones Library in the town of Amherst; and

Resolutions (filed by Mr. Torrisi of North Andover) congratulating the University of Massachusetts Building Authority on the occasion of its fiftieth anniversary;

UMass Building Authority.

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 Ms. Ehrlich of Marblehead (Mrs. Haddad of Somerset being in the chair), 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 Mrs. Campbell of Methuen, a petition (accompanied by bill House, No. 5090) of Linda Dean Campbell (with the approval of the mayor and city council) relative to the sale of bonds and notes by the city of Methuen for the purpose of funding the deficit of the health insurance trust fund of said city.

Methuen,— health insurance.

By Mr. Scibak of South Hadley, a petition (accompanied by bill House, No. 5096) of John W. Scibak (by vote of the town) relative to revising the membership of the town meeting in the town of South Hadley.

South Hadley,— town meeting.

Severally to the committee on Municipalities and Regional Government.

By Mr. Dwyer of Woburn, a petition (accompanied by bill House, No. 5097) of James J. Dwyer, Jay R. Kaufman and others (with the approval of the mayor and city council) relative to the acceptance of certain streets as public ways in the city of Woburn. To the committee on Transportation.

Woburn,— street acceptance.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mrs. Campbell of Methuen, a petition (subject to Joint Rule 12) of Linda Dean Campbell for legislation to establish a sick leave bank for Patrick J. Hager, an employee of the Department of Revenue.

Patrick J. Hager,— sick leave.

By Representative Callahan of Sutton and Senator Richard T. Moore, a joint petition (subject to Joint Rule 7B) of Jennifer M. Callahan and Richard T. Moore (requiring the approval of the town) for legislation to validate the annual election in the town of Millville.

Millville,— town election.

Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

The House Bill authorizing the town of Sudbury to enter into long-term energy-related leases and contracts (House, No. 4718), 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 following:

Sudbury,— purchasing.

"SECTION 1. Notwithstanding section 3 of chapter 40 of the General Laws to the contrary, the town of Sudbury, by its town manager with the approval of the board of selectmen, may lease town lands or buildings for the establishment and operation of facilities to develop renewable or alternative energy for a period not to exceed 50 years.

Sudbury,—purchasing.

SECTION 2. The town of Sudbury may enter into contracts for the purchase of renewable or alternative energy, equipment and facilities or the lease thereof for terms not to exceed 50 years, notwithstanding any limitation on the term of any such agreement in chapter 25A of the General Laws or any other general or special law to the contrary.

SECTION 3. Nothing in this act shall be construed to allow the town of Sudbury to sell, lease, transfer any interest in, or change the use of, any land that is subject to Art. XCVII of the Amendments to the Constitution of Massachusetts.

SECTION 4. This act shall take effect upon its passage."; and by striking out the title and inserting in place thereof the following title: "An Act authorizing the town of Sudbury to enter into long-term leases and contracts for renewable or alternative energy, equipment and facilities.".

Under suspension of Rule 35, on motion of Mr. Conroy of Wayland, 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.

Belmont,—alcoholic beverages.

The House Bill authorizing the town of Belmont to grant licenses for the sale of all alcoholic beverages to be drunk on the premises of certain restaurants (House, No. 5024), came from the Senate passed to be engrossed, in concurrence, with an amendment, in lines 3 and 4, striking out the words "presently issued" and inserting in place thereof the following: "licenses issued pursuant to chapter 14 of the acts of 2004".

Under suspension of Rule 35, on motion of Mr. Brownsberger of Belmont, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Reports of Committee.

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 following petitions:

Robert Manning,—sick leave bank.

Petition (accompanied by bill) of Martin J. Walsh for legislation to establish a sick leave bank for Robert Manning, an employee of the Dorchester division of the Boston Municipal Court. To the committee on the Judiciary.

Kathryn Beaupre,—sick leave bank.

Petition (accompanied by bill) of Peter V. Kocot and Stanley C. Rosenberg for legislation to establish a sick leave bank for Kathryn Beaupre, an employee of the Department of Public Health. To the committee on Public Service.

Under suspension of the rules, on motion of Mr. Walsh of Boston, the reports were considered forthwith. Joint Rule 12 was suspended, in each instance. Severally sent to the Senate for concurrence.

Identity theft, privacy rights,—study.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on House, Nos. 227, 315, 316, 326, 3427 and 3872, an Order relative to authorizing the committee on Consumer Protection and Professional Licensure to make an investigation and study of certain House documents concerning privacy rights, identity theft and personal information of consumers (House, No. 5091).

By the same member, for the same committee, on House, Nos. 235, 245, 256, 286, 298, 327, 3426, 3801, 3864, 3867 and 3869, an Order relative to authorizing the committee on Consumer Protection and Professional Licensure to make an investigation and study of certain House documents concerning consumer protection and unfair trade practices (House, No. 5092). Consumer protection and unfair trade practices,—study.

By the same member, for the same committee, on House, Nos. 168, 241, 249, 297, 4180 and 4232, an Order relative to authorizing the committee on Consumer Protection and Professional Licensure to make an investigation and study of certain House documents concerning licensure issues, glazier and photovoltaic installers (House, No. 5093). Licensure, etc.,—study.

By the same member, for the same committee, on House, Nos. 258, 260, 274, 294, 302, 322 and 3650, an Order relative to authorizing the committee on Consumer Protection and Professional Licensure to make an investigation and study of certain House documents concerning gaming issues and the State Lottery (House, No. 5094). Gaming and lottery,—study.

By the same member, for the same committee, on House, Nos. 80, 81, 82, 83, 226, 237, 246, 248, 251, 264, 265, 269, 271, 273, 283, 292, 307, 308, 320, 3866, 3871 and 3873, an Order relative to authorizing the committee on Consumer Protection and Professional Licensure to make an investigation and study of certain House documents concerning alcohol, identification for purchase, special licenses and other alcohol sales related issues (House, No. 5095). Liquor issues,—study.

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.

Report of the committee on State Administration and Regulatory Oversight, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 5035) of Robert A. DeLeo for legislation designating a certain walkway in Winthrop as the John Kilmartin Walkway. Winthrop,—John Kilmartin Walkway.

Under suspension of the rules, on a motion of Mr. Walsh of Boston, the report was considered forthwith.

Pending the question on acceptance of the report, the petition was recommitted, on further motion of the same member.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on a joint petition, a Bill authorizing the town of Milford to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 5071) [Local Approval Received]. Milford,—liquor licenses.

By the same member, for the same committee, on a joint petition, a Bill authorizing the town of Millbury to issue two additional liquor licenses (House, No. 5076) [Local Approval Received]. Millbury,—liquor license.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Emergency Measure.

Laraine Nasif,—sick leave bank.

The engrossed Bill establishing a sick leave bank for Laraine Nasif, an employee of the Department of Revenue (see House, No. 4362), 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 14 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Bills enacted.

Engrossed bills

Clarifying the term "warehouse" or other storage facility (see Senate, No. 1791);

Authorizing the town of Carver to divert funds from the Conservation Fund (see Senate, No. 2095);

Relative to payment of property taxes in the town of Carver (see Senate, No. 2145);

Relative to the estate of homestead (see Senate, No. 2406, amended);

Relative to the position of appointed Treasurer-Collector in the town of Florida (see Senate, No. 2551);

Changing the boundary line between Charlemont and Hawley (see Senate, No. 2628);

Authorizing the city of Melrose to appropriate funds from the Mount Hood Memorial Park and Golf Course Enterprise Fun to pay certain debt service (see Senate, No. 2637);

(Which severally originated in the Senate);

Authorizing the town of Billerica to establish a Billerica Water Conservation Fund (see House, No. 1918); and

Relative to the town of Littleton Electric Light Department (see House, No. 4741, 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.

Reconsideration.

School principals.

Mr. Pedone of Worcester moved that the vote be reconsidered by which the House, at the previous sitting, concurred with the Senate in its amendment to the House Bill providing equity for school principals (House, No. 371, amended); and the motion to reconsider was considered forthwith and it prevailed.

Pending the recurring question on concurring with the Senate in its amendment, the same member moved that the House concur with the Senate amendment with a further amendment by striking out the text contained in said amendment and inserting in place thereof the following:

"Section 41 of chapter 71 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the first sentence of the second paragraph and inserting in place thereof the follow-

ing sentence:— School principals, by whatever title their position may be known, shall not be represented in collective bargaining, but each principal, upon the written request of the principal, shall meet and discuss the terms and conditions of his employment in his school district with the district's superintendent or his designee, at a time to be determined by the superintendent and may be represented by an attorney or other representative." .

The further amendment was adopted. The House then concurred with the Senate in its amendment, as amended. Sent to the Senate for concurrence in the further amendment.

Motions to Discharge Certain Matters in the Orders of the Day.

Tisbury,— water system.

The House Bill relative to Tisbury Water Supply System (House, No. 5014) was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Greene of Billerica.

The bill, 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, its title having been changed by said committee to read: "An Act relative to the town Tisbury Water Supply System.". Sent to the Senate for concurrence.

Maurice Jandreau,— sick leave bank.

The House Bill establishing a sick leave bank for Maurice Jandreau (House, No. 5083) was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Madden of Nantucket.

The bill, 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, its title having been changed by said committee to read: "An Act establishing a sick leave bank for Maurice Jandreau, an employee of the Trial Court.

Quorum.

Mr. Pignatelli of Lenox then asked for a count of the House to ascertain if a quorum was present. The Chair (Mrs. Haddad) having determined that a quorum was not in attendance. Since a quorum was not present, the previous vote (on passing House, No. 5083, to be engrossed) was declared void. Under House Rule 82, the Chair, at twenty-two minutes before twelve o'clock noon, declared an adjournment of the House, until the next day at ten o'clock A.M., in an Informal Session.

Friday, December 3, 2010.

Met at a quarter after ten o'clock A.M., in an Informal Session, with Mrs. Haddad of Somerset 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 (Mrs. Haddad), the members, guests and employees joined with her in reciting the pledge of allegiance to the flag.

Petitions.

General Court,— restrictions.

Representatives Callahan of Sutton and D'Amico of Seekonk presented a petition (subject to Joint Rule 12) of Jennifer M. Callahan and Steven J. D'Amico that members of the General Court be prohibited from recommending the employment or appointment of any person to certain governmental positions; and the same was referred, under Rule 24, to the committee on Rules.

Papers from the Senate.

Cheryl A. Cole,— sick leave bank.

The House Bill establishing a sick leave bank for Cheryl A. Cole, an employee of the Department of Health and Human Services (House, No. 4921), came from the Senate passed to be engrossed, in concurrence, with amendments striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2622; striking out the emergency preamble and inserting in place thereof the following:

"*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 office of Medicaid, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."; and striking out the title and inserting in place thereof the following title: "An Act establishing a sick leave bank for Cheryl A. Cole, an employee of the office of Medicaid.".

Under suspension of Rule 35, on motion of Mr. Hill of Ipswich, 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.

Bills

Barnstable,— sewer fund.

Establishing a sewer construction fund for the town of Barnstable (Senate, No. 2603) (on a petition) [Local Approval Received]; and

Quincy,— property taxes.

Authorizing the city of Quincy to exempt certain fiscal year 2010 real property taxes (Senate, No. 2639, amended in line 4 by inserting after the word "Wright" the following ", a 100 per cent disabled veteran, notwithstanding Mr. Wright's failure to timely file his application for such exemption") (on a petition) [Local Approval Received];

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

A petition (accompanied by bill, Senate, No. 2657) of Bruce E. Tarr and Ann-Margaret Ferrante (by vote of the town) for legislation to establish procedures for the sale and/or lease of property known as Conomo Point in the town of Essex, was referred, in concurrence, to the committee on Municipalities and Regional Government. Essex,— land.

Reports of Committees.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill establishing a sick leave bank for Doreen Edwards, an employee of the Dorchester Division of the Boston Municipal Court Department (House, No. 5101). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Doreen Edwards,— 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:

House bills

Authorizing the town of Milford to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 5071) [Local Approval Received]; and Milford,— liquor licenses.

Authorizing the town of Millbury to issue two additional liquor licenses (House, No. 5076) [Local Approval Received]; Millbury,— liquor licenses.

Under suspension of Rule 7A, in each instance, on motion of Mr. Hill of Ipswich, the bills severally were read a second time forthwith; and they were ordered to a third reading.

Engrossed Bills.

Engrossed bills

Authorizing the town of Sudbury to enter into long-term leases and contracts for renewable or alternative energy, equipment and facilities (see House, No. 4718, amended); and Bills enacted.

Authorizing the town of Belmont to grant licenses for the sale of all alcoholic beverages to be drunk on the premises of certain restaurants (see House, No. 5024, 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 it were signed by the acting Speaker and sent to the Senate.

Motions to Discharge Certain Matters in the Orders of the Day.

The House Bill establishing a sick leave bank for Maurice Jandreau (House, No. 5083), was discharged from its position in the Orders of the Day, under suspension of Rule 47, on motion of Mr. Hill of Ipswich; and it was passed to be engrossed. Sent to the Senate for concurrence. Maurice Jandreau,— sick leave bank.

The engrossed Bill relative to pooling of tips (see House, No. 4814, amended), which had been returned to the House by His Excellency the Governor with recommendation of amendments (for message, see House, No. 4984), was discharged from its position in the Orders of Tips,— pooling.

Tips,—pooling.

the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Hill of Ipswich.

The committee on Bills in the Third Reading reported recommending that the amendments recommended by the Governor be considered in the following form:

"In section 2, by striking out clauses (ii) and (iii) and inserting in place thereof the following clause:—

(ii) assigning employees to their posts, shall qualify as a wait staff employee for purposes of this section." .

The amendment was adopted. Sent to the Senate for its action.

Brian C. Linehan,—sick leave bank.

The House Bill establishing a sick leave bank for Brian C. Linehan, an employee of the Department of Revenue (House, No. 5067), was discharged from its position in the Orders of the Day, under suspension of Rule 47, on motion of Mr. Hill of Ipswich. The bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) then 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 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. 5067, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Tanya Robideau,—sick leave bank.

The House Bill establishing a sick leave bank for Tanya Robideau, an employee for the Massachusetts Department of Correction (House, No. 5079) (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, under suspension of Rule 47, on motion of Mr. Hill of Ipswich. The bill (having been reported by said committee to be correctly drawn) then 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 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. 5079, amended) was passed to be engrossed. Sent to the Senate for concurrence.

State pilotage rate board.

The Senate Bill establishing the Massachusetts state pilotage rate board (Senate, No. 2174, amended), was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Hill of Ipswich.

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. Sent to the Senate for concurrence in the amendment previously adopted by the House.

Motor vehicles,—glass repairs.

The House Bill relative to motor vehicle glass repair shop registration (House, No. 5080), was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Hill of Ipswich.

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.

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.

Mr. Canessa of New Bedford then moved that as a mark of respect to the memory of Stanley E. Barnicoat, a member of the House from Middleborough in 1977 and 1978, the House adjourn; and the motion prevailed.

Accordingly, at twenty-nine minutes after ten o'clock A.M., on motion of Mr. Hill of Ipswich (Mrs. Haddad of Somerset being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.

Monday, December 6, 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).

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.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

John C. Keay.

Resolutions (filed by Representatives Barrows of Mansfield and Poirier of North Attleborough) congratulating John C. Keay on receiving the Eagle Award of the Boy Scouts of America;

Matthew E. Levine.

Resolutions (filed by Representatives Barrows of Mansfield and Poirier of North Attleborough) congratulating Matthew E. Levine on receiving the Eagle Award of the Boy Scouts of America;

Anthony Mazzaferro.

Resolutions (filed by Representatives Barrows of Mansfield and Poirier of North Attleborough) congratulating Anthony Mazzaferro on receiving the Eagle Award of the Boy Scouts of America; and

Viola and Richard Morse.

Resolutions (filed by Ms. Peisch of Wellesley) honoring Viola Morse and Richard Morse for their leadership and contributions to the Wellesley Cancer Prevention Project;

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. Smith of Everett, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Reports of Committees.

Bonding,—terms.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill providing the terms of certain bonds to be issued by the Commonwealth (printed in House, No. 5065) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 5106). 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.

Under suspension of Rule 7A, on motion of Mrs. Wolf of Cambridge, 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.

Pet shops, subdivisions and retail stores,—study.

By Ms. Forry of Boston, for the committee on Community Development and Small Businesses, on House, Nos. 198, 200, 201, 202, 205, 206, 208, 212 and 1062, an Order relative to authorizing the committee on Community Development and Small Businesses to make an investi-

gation and study of certain House documents concerning pet shops, subdivisions and retail stores (House, No. 5099).

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on House, Nos. 214, 215, 216, 217, 218, 219, 220, 221 and 222, an Order relative to authorizing the committee on Consumer Protection and Professional Licensure to make an investigation and study of certain House documents concerning cosmetology apprenticeship, cosmetology schools and cosmetology registrations (House, No. 5102). Cosmetology,—study.

By the same member, for the same committee, on House, Nos. 254, 270, 289 and 290, an Order relative to authorizing the committee on Consumer Protection and Professional Licensure to make an investigation and study of certain House documents concerning pricing of products, deceptive trade practices and packaging of goods (House, No. 5103). Product pricing,—study.

By the same member, for the same committee, on House, Nos. 257, 280 and 281, an Order relative to authorizing the committee on Consumer Protection and Professional Licensure to make an investigation and study of certain House documents concerning exemptions to the plumbing code and installation of water wells (House, No. 5104). Plumbing,—study.

By the same member, for the same committee, on House, Nos. 300, 309, 310 and 395, an Order relative to authorizing the committee on Consumer Protection and Professional Licensure to make an investigation and study of certain House documents concerning condominium managers, real estate information and protections and real estate appraisers (House, No. 5105). Real estate,—study.

By Mr. Kaufman of Lexington, for the committee on Revenue, on House, No. 5045, an Order relative to authorizing the committee on Revenue to make an investigation and study of a certain House document concerning a room occupancy tax in the town of Eastham (House, No. 5100). Eastham,—tax study.

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.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill establishing a sick leave bank for Doreen Edwards, an employee of the Dorchester Division of the Boston Municipal Court Department (House, No. 5101) be scheduled for consideration by the House. Doreen Edwards,—sick leave bank

Under suspension of Rule 7A, on motion of Mr. Smizik of Brookline, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on the residue of House, No. 4586, a Bill authorizing the town of Harwich to issue one additional liquor license (House, No. 5107). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Harwich,—liquor license.

Emergency Measure.

Cheryl A. Cole,— sick leave bank.

The engrossed Bill establishing a sick leave bank for Cheryl A. Cole, an employee of the Department of Health and Human Services (see House, No. 4921, 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 5 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Bill enacted.

The engrossed Bill establishing a sick leave bank for Laraine Nasif, an employee of the Department of Revenue (see House, No. 4362) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Id.

The engrossed Bill authorizing the appointment of special police officers in the town of Whitman (see House, No. 4854) (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.

Motion to Reconsider.

Tips,— pooling.

Mr. Pedone of Worcester moved that the vote be reconsidered by which the House, at the preceding sitting, adopted an amendment recommended by His Excellency the Governor to the engrossed Bill relative to the pooling of tips (see House, No. 4814, amended).

The motion to reconsider was placed, under Rule 54, in the Orders of the Day for the next sitting.

Motion to Discharge a Certain Matter in the Orders of the Day.

Flags,— purchases.

A Bill relative to the purchase of flags in the Commonwealth (House, No. 5081), 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. 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.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Thursday next at eleven o'clock A.M.

At a quarter after eleven o'clock A.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.

Thursday, December 9, 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).

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.

Communications.

Communications

Civil penalty imposition commission.

From the Massachusetts Bar Association notifying the House of Representatives of the appointment of Attorney Peter Elikann as the designee of said association to serve on the permanent commission established (under Section 6 of Chapter 54 of the Acts of 2005) to study and analyze the imposition of civil penalties on certain offenses within the Commonwealth;

Id.

From the Massachusetts District Attorneys Association notifying the House of Representatives of the appointment of C. Samuel Sutter, the District Attorney for Bristol County, as the designee of said association to serve on the permanent commission established (under Section 6 of Chapter 54 of the Acts of 2005) to study and analyze the imposition of civil penalties on certain offenses within the Commonwealth; and

Id.

From the Massachusetts Trial Court notifying the House of Representatives of the appointment of Ronald P. Corbett, Jr., Acting Administrator, as the designee of said court to serve on the permanent commission established (under Section 6 of Chapter 54 of the Acts of 2005) to study and analyze the imposition of civil penalties on certain offenses within the Commonwealth;

Severally were spread upon the records of the House and placed on file.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Peter and Cornelia Koutoujian.

Resolutions (filed by Mr. Koutoujian of Waltham) congratulating Peter and Cornelia Koutoujian on the occasion of their fiftieth wedding anniversary;

Ryan Woodhouse.

Resolutions (filed by Mr. Stanley of Waltham) congratulating Ryan Woodhouse on achieving the rank of Eagle Scout of the Boy Scouts of America; and

Robert Anthony Hudson III.

Resolutions (filed by Mr. Tobin of Quincy) congratulating Robert Anthony Hudson III on receiving the Eagle Award of the Boy Scouts of America;

Mr. Binienda of Worcester, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspen-

sion of the rules, in each instance, on motion of Mr. Kujawski of Webster, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Representative Kulik of Worthington and Senator Rosenberg presented a joint petition (accompanied by bill House, No. 5108) of Stephen Kulik and Stanley C. Rosenberg (by vote of the town) that the town of Montague be authorized to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises; and the same was referred to the committee on Consumer Protection and Professional Licensure. Sent to the Senate for concurrence.

Montague,—liquor license.

Petitions severally were presented and referred as follows:

By Ms. Reinstein of Revere, a petition (subject to Joint Rule 12) of Kathi-Anne Reinstein, Sal DiDomenico and Anthony Petruccelli for legislation to designate two pavilions in the city of Revere as the Frank V. McCarthy Memorial Pavilions.

Revere,—McCarthy Pavilions.

By Mr. Sullivan of Fall River, a petition (subject to Joint Rule 12) of David B. Sullivan for legislation to establish a sick leave bank for Jeffery Botelho, an employee of the Department of Correction.

Jeffrey Botelho,—sick leave bank.

Severally, under Rule 24, to the committee on Rules.

Paper from the Senate.

A Bill relative to group health insurance (Senate, No. 489) (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.

Group health insurance,—coverage.

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 following petitions:

Petition (accompanied by bill) of Geraldo Alicea and Stephen M. Brewer for legislation to establish a sick leave bank for Sheila Santelli, an employee of the Department of Housing and Community Development.

Sheila Santelli,—sick leave bank.

Petition (accompanied by bill) of Linda Dean Campbell for legislation to establish a sick leave bank for Patrick J. Hager, an employee of the Department of Revenue; and

Patrick Hager,—sick leave bank.

Petition (accompanied by bill) of Christopher N. Speranzo for legislation to establish a sick leave bank for Tara Reilly, an employee of the Department of Children and Families;

Tara Reilly,—sick leave bank.

Severally to the committee on Public Service.

Petition (accompanied by bill) of William M. Straus and Anthony Petruccelli for legislation to extend the filing date of the special commission (including members of the General Court) established to make an investigation and study of the water quality of the lower basin of the Charles River. To the committees on Rules of the two branches, acting concurrently.

Charles River water quality,—study.

Under suspension of the rules, on motion of Mr. Wolf of Cambridge, the reports were considered forthwith. Joint Rule 12 was suspended, in each instance. Severally sent to the Senate for concurrence.

Orange,— financial conditions.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to the financial condition of the town of Orange (House, No. 5069) [Local Approval Received].

Milford,— seniors.

By the same member, for the same committee, on a joint petition, a Bill relative to the Geriatric Authority of Milford (House, No. 5072) [Local Approval Received].

Milford,— employment contracts.

By the same member, for the same committee, on a petition, a Bill establishing certain employment contracts for the town of Milford (House, No. 5088) [Local Approval Received].

Methuen,— health insurance.

By the same member, for the same committee, on a petition, a Bill relative to health insurance in the city of Methuen (House, No. 5090) [Local Approval Received].

South Hadley,— town meeting.

By the same member, for the same committee, on a petition, a Bill relative to South Hadley town meeting members (House, No. 5096) [Local Approval Received].

North Andover,— Christopher M. Dufresne.

By Mr. Spellane of Worcester, for the committee on Public Service, on a recommitted petition, a Bill authorizing the appointment of Christopher M. Dufresne as a firefighter in the town of North Andover notwithstanding the maximum age requirements (House, No. 5011) [Local Approval Received].

Malden,— early retirement.

By the same member, for the same committee, on a joint petition, a Bill providing for a work force reduction of city of Malden through an early retirement incentive for certain employees (House, No. 5073) [Local Approval Received].

Winthrop,— John Kilmartin Walkway.

By Mr. Walsh of Lynn, for the committee on State Administration and Regulatory Oversight, on a recommitted petition, a Bill designating a walkway in the Belle Isle Marsh in Winthrop as the John Kilmartin Walkway (House, No. 5035).

Cambridge,— North Point.

By the same member, for the same committee, on a petition, a Bill relative to the environmental review process for a certain parcel of developable land in the city of Cambridge (House, No. 5085).

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Engrossed Bills.

Bill enacted.

The engrossed Bill establishing a sick leave bank for Cheryl A. Cole, an employee of the Department of Health and Human Services (see House, No. 4921, amended) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Id.

The engrossed Bill providing equity for school principals (see House, No. 371, changed and amended) (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.

Motion to Discharge a Certain Matter in the Orders of the Day.

The motion of Mr. Pedone of Worcester, that the vote be reconsidered by which the House, on Friday December 3, adopted an amendment recommended by His Excellency the Governor in section 2 by striking out clauses (ii) and (iii) and inserting in place thereof the following clause: Tips,—pooling.

"(ii) assigning employees to their posts, shall qualify as a wait staff employee for purposes of this section.", to the engrossed Bill relative to the pooling of tips (see House, No. 4814, amended), was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Kafka of Stoughton; and it prevailed.

Pending the recurring question on adoption of the amendment recommended by His Excellency, the bill was recommitted to the committee on Bills in the Third Reading, on further motion of Mr. Pedone.

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 eighteen minutes after eleven o'clock A.M., on motion of Mrs. Poirier of North Attleborough (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.

Monday, December 13, 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).

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.

Communication.

Sheriff's offices,—consolidation.

A communication from the Massachusetts Sheriffs' Association notifying the House of Representatives of the appointment of Sheriff Andrea J. Cabral of Suffolk County to serve as a member of the special commission established (under Section 22 of Chapter 61 of the Acts of 2009) for the purpose of making an investigation and study relative to the reorganization or consolidation of sheriffs' offices, was spread upon the records of the House and placed on file.

Reports.

Reports

Prescription safeguards.

Of the Department of Public Health (under Chapter 283 of the Acts of 2010) relative to adding safeguards to the Prescription Monitoring Program and the 90 day status of said safeguards; and

Western region,—women's jail.

Of the Department of Public Health relative to minimum health and sanitation standards and inspection procedures for the Western Massachusetts Regional Women's Correctional Center;

Severally were spread upon the records of the House and placed on file.

Petitions.

Bellingham,—alcoholic beverages.

Representative Callahan and Senator Richard T. Moore presented a joint petition (accompanied by bill, House, No. 5113) of Jennifer M. Callahan and Richard T. Moore (by vote of the town) that the town of Bellingham be authorized to issue an additional license for the sale of alcoholic beverages to Paul Winshman, doing business as a restaurant operator in said town; and the same was referred to the committee on Consumer Protection and Professional Licensure. Sent to the Senate for concurrence.

Motor vehicles,—registration.

Ms. Callahan of Sutton (by request) presented a petition (subject Joint Rule 12) of Philip A. Tanner for legislation to further regulate the anniversary dates for the registration of motor vehicles in the Commonwealth; and the same was referred, under Rule 24 to the committee on Rules.

Reports of Committees.

Millville,—election.

By Mr. Binienda of Worcester, for the committee on Rules, that Joint Rule 7B be suspended on the petition of Jennifer M. Callahan and

Richard T. Moore (by vote of the town) for legislation to validate the annual election in the town of Millville.

Under suspension of the rules, on motion of Mr. McMurtry of Dedham, the report was considered forthwith. Joint Rule 7B was suspended; and the petition (accompanied by bill) was referred to the committee on Election Laws. Sent to the Senate for concurrence.

Revenue,—study.

By Mr. Kaufman of Lexington, for the committee on Revenue, on House, Nos. 23, 101, 618, 619, 620, 621, 622, 644, 1136, 1156, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 2681, 2682, 2683, 2684, 2685, 2686, 2687, 2688, 2689, 2690, 2691, 2692, 2693, 2694, 2695, 2696, 2697, 2698, 2699, 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2707, 2708, 2709, 2710, 2711, 2712, 2713, 2714, 2715, 2716, 2717, 2718, 2719, 2720, 2721, 2722, 2723, 2724, 2725, 2726, 2727, 2728, 2730, 2731, 2734, 2735, 2736, 2738, 2739, 2740, 2741, 2742, 2743, 2744, 2745, 2746, 2747, 2748, 2749, 2750, 2751, 2752, 2753, 2754, 2755, 2756, 2757, 2758, 2759, 2760, 2761, 2762, 2763, 2764, 2765, 2766, 2767, 2768, 2769, 2770, 2771, 2772, 2773, 2774, 2775, 2776, 2777, 2778, 2779, 2781, 2782, 2783, 2784, 2785, 2786, 2787, 2788, 2789, 2790, 2791, 2792, 2793, 2794, 2796, 2797, 2798, 2799, 2800, 2801, 2802, 2803, 2804, 2805, 2806, 2807, 2808, 2809, 2811, 2812, 2813, 2814, 2815, 2816, 2817, 2818, 2819, 2820, 2821, 2822, 2823, 2824, 2826, 2827, 2828, 2829, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2837, 2838, 2839, 2840, 2841, 2842, 2843, 2844, 2845, 2847, 2848, 2849, 2850, 2851, 2853, 2855, 2856, 2857, 2858, 2859, 2860, 2861, 2862, 2863, 2864, 2865, 2866, 2867, 2868, 2869, 2870, 2871, 2872, 2873, 2874, 2875, 2876, 2877, 2878, 2879, 2880, 2881, 2882, 2883, 2884, 2885, 2886, 2887, 2888, 2889, 2890, 2891, 2892, 2893, 2894, 2895, 2896, 2897, 2898, 2899, 2900, 2901, 2902, 2903, 2904, 2905, 2906, 2907, 2908, 2909, 2910, 2911, 2912, 2913, 2914, 2915, 2916, 2917, 2918, 2919, 2920, 2921, 2922, 2923, 2924, 2925, 2926, 2927, 2928, 2929, 2930, 2931, 2932, 2933, 2934, 2935, 2936, 2937, 2938, 2939, 2940, 2941, 2942, 2943, 2944, 2945, 2946, 2947, 3485, 3486, 3487, 3488, 3489, 3490, 3491, 3604, 3606, 3607, 3608, 3609, 3610, 3611, 3613, 3743, 3744, 3745, 3746, 3747, 3748, 3749, 3750, 3751, 3752, 3753, 3754, 3755, 3756, 3834, 3943, 3944, 3945, 3946, 3947, 3948, 3949, 3950, 3951, 3952, 3953, 3954, 3955, 3956, 3957, 3958, 3959, 3960, 3961, 3962, 3963, 3964, 3965, 3966, 3967, 3968, 4118, 4218, 4220, 4225, 4387, 4420 and 4531, an Order relative to authorizing the committee on Revenue to make an investigation and study of a certain House document concerning raising of revenue for the Commonwealth by means of taxation, tax exemptions, certain matters relating to the local property tax and other related matters (House, No. 5075).

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 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.

North Adams,—land.

By Mr. Walsh of Lynn, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill authorizing the commissioner of capital asset management and maintenance to convey certain land in the city of North Adams (House, No. 5087). Read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the following bills be scheduled for consideration by the House:

House bills

Kilmartin,—walkway.

Designating a walkway in the Belle Isle Marsh in Winthrop as the John Kilmartin Walkway (House, No. 5035);

Orange,—spending.

Relative to the financial condition of the town of Orange (House, No. 5069) [Local Approval Received];

Milford,—seniors.

Relative to the Geriatric Authority of Milford (House, No. 5072) [Local Approval Received];

Malden,—early retirement.

Providing for a workforce reduction of city of Malden through an early retirement incentive for certain employees (House, No. 5073) [Local Approval Received]; and

Milford,—employees.

Establishing certain employment contracts for the town of Milford (House, No. 5088) [Local Approval Received];

Under suspension of Rule 7A, in each instance, on motion of Mr. Kafka of Stoughton, the bills severally were read a second time forthwith; and they were ordered to a third reading.

Stores,—pricing.

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. 3544) of Vincent A. Pedone relative to the pricing of grocery and retail items;

Id.

Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 3545) of Vincent A. Pedone relative to the pricing of grocery and retail items;

Municipal permitting.

Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 3646) of Michael J. Rodrigues relative to municipal permitting;

Stores,—pricing.

Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 3648) of Michael J. Rodrigues relative to the pricing of grocery items;

Id.

Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 3649) of David M. Torrisi relative to pricing in food stores;

Affordable housing.

Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 3799) of Steven M. Walsh, Kay Khan and others relative to providing assistance to make housing affordable to low or moderate income individuals and families;

Business subsidies.

Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 3858) of Mark V. Falzone for legislation to further regulate business subsidies in the Commonwealth;

Homebuyer assistance.

Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 3859) of

Thomas A. Golden, Jr., relative to first-time home buyer assistance to cities; and

Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 3860) of James M. Murphy and John D. Keenan that the Outdoor Advertising Board be authorized to study billboard advertising in the town of Weymouth.

Weymouth,—billboard advertising.

Under suspension of the rules, in each instance, on a motion of Mr. Torrisi of North Andover, the reports severally were considered forthwith. Pending the question, in each instance, on acceptance of the report, the petitions were recommitted, on motion of Ms. Forry of Boston.

Report of the committee on Public Service, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 4900) of Linda Dean Campbell (with the approval of the mayor and city council) relative to the appointment of Christopher J. Lane as a police officer in the city of Methuen, notwithstanding the maximum age requirements.

Methuen,—Christopher J. Lane.

Under suspension of the rules, on a motion of Mrs. Campbell of Methuen, 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 Meagan Savage, an employee of the Department of Children and Families (see House, No. 4798, 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.

Meagan Savage,—sick leave bank.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 8 to 0. Sent to the Senate for concurrence.

Bill enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill establishing a sick leave bank for Maurice Jandreau, an employee of the Trial Court (see House, No. 5083), 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.

Maurice Jandreau,—sick leave bank.

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 7 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted.

Motions to Discharge Certain Matters in the Orders of the Day.

Pathfinder School District.

The Senate Bill validating certain proceedings of the Pathfinder Regional Vocational Technical High School District (Senate, No. 2536, amended), 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, 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, its title having been changed by said committee to read: "An Act validating certain proceedings of the Pathfinder Regional Vocational-Technical High school District.".

City Year.

The House Bill to create an annual City Year day (House, No. 4230), was discharged from its position in the Orders of the Day, and considered forthwith, under suspension of Rule 47, on motion of Mr. Linsky of Natick.

The bill, 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, its title having been changed by said committee to read: "An Act creating an annual City Year day.".

Dedham,— alcoholic beverages.

The House Bill authorizing the town of Dedham to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 5025), was discharged from its position in the Orders of the Day, under suspension of Rule 47, on motion of Mr. Linsky of Natick.

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.

Doreen Edwards,— sick leave bank.

The House Bill establishing a sick leave bank for Doreen Edwards, an employee of the Dorchester division of the Boston Municipal Court department (House, No. 5101), 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.

Bonding,— terms.

The House Bill providing the terms of certain bonds issued by the Commonwealth (House, No. 5106), was discharged from its position in the Orders of the Day, and considered forthwith, under suspension of Rule 47, on motion of Mr. Hecht of Watertown.

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.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Thursday next at ten o'clock A.M.

At twenty minutes after eleven o'clock A.M., on motion of Mrs. Poirier of North Attleborough (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Thursday at ten o'clock A.M., in an Informal Session.

Thursday, December 16, 2010.

Met according to adjournment at ten 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).

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.

Silent Prayers.

Army Lt. Scott "Scooter" Milley.

At the request of Mr. Conroy of Wayland, the members, guests and employees stood in a moment of silence in tribute to the memory of Lt. Scott "Scooter" Milley, an Army Ranger from Sudbury, who was killed in action while on duty in Afghanistan on November 30, 2010. Lt. Milley was raised in Sudbury and was a 2005 graduate of Lincoln-Sudbury High School and later the University of New Hampshire.

Throughout his life, Scott exhibited great energy, friendliness, optimism, courage, good judgment and a "can-do" spirit that exemplify the best qualities in Americans.

Lt. Milley is survived by his mother Janice, father Steven, brother Steven, Jr. and sister, Ashley.

Army Sgt. James Ayube, Jr.

At the request of Mr. Keenan of Salem, the members, guests and employees stood in a moment of silence in tribute to the memory of Army Sergeant James Ayube, Jr., formerly of Salem, who was killed in action on December 9, 2010 while on a combat mission in the Balkh province of Afghanistan. Sergeant Ayube was assigned to Headquarters and Headquarters Troop, 3rd Squadron, 2nd Stryker Cavalry Regiment, Vilseck, Germany. He had served four years and had also completed a tour in Iraq.

Sergeant Ayube is survived by his wife Lauren, twin brother Alex, sister Ashleigh, and his parents James Sr. and Christina Ayube of Salem.

Communication.

Dukes County Registry of Deeds.

A communication from the Dukes County Registry of Deeds (pursuant to Section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure for technological improvements from the County Registers Technological Fund (copies of the communication forwarded to the House committees on Post Audit and Oversight and Ways and Means, in accordance with said law), was placed on file.

Annual Reports.

Annual reports

Nantucket Regional Transit Authority.

Of the Nantucket Regional Transit Authority (under the provisions of Chapter 161B of the General Laws) for the fiscal year 2010, was spread upon the records of the House; and

Of the Office of the Trial Court (under Chapter 205 of the Acts of 2008) relative to the further protection of children; Trial Court,—children.

Severally were placed on file.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Fernandes of Milford) congratulating Cameron Hopkins on earning the Eagle Award; Cameron Hopkins.

Resolutions (filed by Mr. Timilty of Milton) congratulating Stephen Christopher Campo on receiving the Eagle Award of the Boy Scouts of America; Stephen Christopher Campo.

Resolutions (filed by Mr. Timilty of Milton) congratulating Alexander David Jamal on receiving the Eagle Award of the Boy Scouts of America; and Alexander David Jamal.

Resolutions (filed by Mr. Timilty of Milton) congratulating Graham Curtis Strang on receiving the Eagle Award of the Boy Scouts of America; Graham Curtis Strang.

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 Ms. Allen 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.

Petition.

Representative Smola of Palmer and Senator Brewer presented a joint petition (subject Joint Rule 12) of Todd M. Smola and Stephen M. Brewer for legislation to establish a sick leave bank for Lori J. Madrazo-Bulak, an employee of the Office of Health and Human Services; and the same was referred, under Rule 24, to the committee on Rules. Lori J. Madrazo-Bulak,—sick leave bank.

Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Smith of Everett, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Public Service.

Papers from the Senate.

The House Bill authorizing the lease and construction of improvements to the North Branch library and East Branch library buildings in the town of Watertown (House, No. 4667), came from the Senate passed to be engrossed, in concurrence, with an amendment in section 2 by striking out the following: "and sections 44A to 44H, inclusive, of chapter 149 of the General Laws" (as changed by the committee on Bills in the Third Reading) and inserting in place thereof the following ", section 44A to 44H, inclusive, of chapter 149 of the General Laws and chapter 149A of the General Laws". Watertown,—library.

Under suspension of Rule 35, on motion of Mr. Hecht of Watertown, 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.

Cape and Vineyard Electric Cooperative.

A Bill further regulating the Cape and Vineyard Electric Cooperative, Inc. (Senate, No. 2613) (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.

Beverly O'Riordan,—sick leave bank.

A petition of Bruce E. Tarr and James R. Miceli for legislation establishing a sick leave bank for Beverly O'Riordan, an employee of the Department of Elementary and Secondary Education, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2660) was referred, in concurrence, to the committee on Public Service.

Reports of Committees.

Karen Reilly,—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 Tara Reilly, an employee of the Department of Children and Families (House, No. 5111, changed in lines 2, 4 and 6, by striking the word "Tara" in each instance and inserting in place thereof the following "Karen").

Charles River Water Quality Commission.

By Mr. Binienda of Worcester, for the committees on Rules, acting concurrently, on a petition, a Bill relative to the Charles River Water Quality Commission (House, No. 5112).

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Community Development and Small Business,—study.

By Ms. Forry of Boston, for the committee on Community Development and Small Businesses, on House, Nos. 3544, 3545, 3646, 3648, 3649, 3799, 3858, 3859 and 3860, an Order relative to authorizing the committee on Community Development and Small Businesses to make an investigation and study of a certain House document concerning pricing of grocery and retail items, billboard advertisements and affordable housing options (House, No. 5114). 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.

Boston,—alcoholic beverages.

Report 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. 5056) of Carlo P. Basile and Anthony Petruccelli (with the approval of the mayor and city council) that the licensing board for the city of Boston be authorized to issue certain licenses for the sale of alcoholic beverages at Logan Airport located in said city [Local Approval Received].

Under suspension of the rules, on a motion of Mr. Basile of Boston, the report was considered forthwith.

Pending the question on acceptance of the report, the petition was recommitted, on motion of Mr. Speliotis of Danvers.

Emergency Measures.

The engrossed Bill validating certain proceedings of the Pathfinder Regional Vocational-Technical High School District (see Senate, No. 2536, 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.

Pathfinder Regional Vocational-Technical High School District.

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 7 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 Speaker and sent to the Senate.

Bill enacted.

The engrossed Bill establishing a sick leave bank for Tanya Robideau, an employee of the Department of Correction (see House, No. 5079, 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.

Tanya Robideau,—sick leave bank.

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 7 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 Speaker and sent to the Senate.

Bill enacted.

Valedictory Addresses.

The Speaker having taken the Chair, the following members, who were not returning for the 2011-2012 Legislative session, then addressed the House upon their departure from service in the House of Representatives: Representatives Bowles of Attleboro; Allen of Boston; Clark of Melrose; Richardson of Framingham; Sandlin of Agawam; Guyer of Dalton; Rice of Gardner; Welch of West Springfield; Polito of Shrewsbury; Callahan of Sutton; Driscoll of Braintree; Hargraves of Groton; Evangelidis of Holden; Grant of Beverly; L'Italien of Andover; Perry of Sandwich; Rush of Boston; Falzone of Saugus; D'Amico of Seekonk; Patrick of Falmouth; Finegold of Andover; Rodrigues of Westport; Fagan of Taunton; Kujawski of Webster; Quinn of Dartmouth; Harkins of Needham; Tobin of Quincy and Flynn of Bridgewater.

Valedictory addresses.

Recess.

At twenty-two minutes before one o'clock P.M., on motion of Mr. Rush of Boston, the House recessed until quarter after one o'clock P.M.; and at twenty minutes before two o'clock the House was called to order with the Speaker in the Chair.

Recess.

Motions to Discharge Certain Matters in the Orders of the Day.

Mr. Donato of Medford having taken the Chair,—

North Andover,— warrant.

The House Bill relative to the distribution of copies of the warrant in the town of North Andover (House, No. 1900), was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Torrisi of North Andover.

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.

Winthrop,— Kilmartin Walkway.

The House Bill designating a walkway in the Belle Isle Marsh area in the town of Winthrop as the John Kilmartin Walkway (House, No. 5035) (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 Mr. DeLeo of Winthrop.

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.

Orange,— financial condition.

The House Bill relative to the financial condition of the town of Orange (House, No. 5069), was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Donelan of Orange.

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.

Milford,— geriatric authority.

The House Bill relative to the Geriatric Authority of Milford (House, No. 5072), was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Fernandes of Milford.

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.

Malden,— early retirement.

The House Bill providing for a work force reduction of the city of Malden through an early retirement incentive for certain employees (House, No. 5073) (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, under suspension of Rule 47, on motion of Mr. Fallon of Malden.

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.

Millbury,— alcoholic beverages.

The House Bill authorizing the town of Millbury to issue two additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 5076) (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 Mr. Frost of Auburn.

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.

North Reading,— town meeting.

The House Bill changing the date of the annual town meeting in the town of North Reading (House, No. 5070), was discharged from its position in the Orders of the Day and considered forthwith , under suspension of Rule 47, on motion of Mr. Jones of North Reading.

The bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) then was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Pedone of Worcester moved to amend it by substitution of a bill with the same title (House, No. 5118), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

Milford,— employment contracts.

The House Bill establishing certain employment contracts for the town of Milford (House, No. 5088), was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Fernandes of Milford.

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.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

At half past four o'clock P.M., on motion of Mrs. Poirier of North Attleborough (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.

Monday, December 20, 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).

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.

Guests of the House.

Weston,—soccer team.

During the session, the Chair (Mr. Donato of Medford) introduced the Division 3 State Champion High School Girls Soccer Team from Weston High School, accompanied by their coach, Mr. James Blackwell. They were the guests of Ms. Peisch of Wellesley.

Malden High School Choral Art Society.

Later in the session, the Chair (Mr. Donato) introduced the Malden High School Choral Art Society, a group composed of the combined Concert Choir, Mixed Chorus and Show Choir of Malden High School. The choir groups then entertained the members and staff by singing a beautiful Christmas carol rendition. They were the guests of Representatives Fallon of Malden, Smith of Everett and the Chair (Mr. Donato of Medford).

Quarterly Report.

Unemployment Trust Fund.

A quarterly report of the Executive Office of Labor and Workforce Development (under Section 142 of the Acts of 2003) relative to the condition of the Commonwealth's Unemployment Insurance Trust Fund for October, 2010, was placed on file.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Christopher C. Henes.

Resolutions (filed by Mr. Vallee of Franklin) honoring Army Colonel Christopher C. Henes in celebration of his retirement on January 1, 2011;

Scholarship America.

Resolutions (filed by Messrs. Sullivan of Fall River, Aguiar of Fall River and Rodrigues of Westport) congratulating Scholarship America on the occasion of its fiftieth anniversary; and

Aaron Williams.

Resolutions (filed by Mr. Swan of Springfield) congratulating Aaron Williams on creating a historical basketball monument in the Mason Square community in Springfield;

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. Fallon of Malden, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petition.

Mr. Kafka of Stoughton being in the Chair,—

Mr. Donato of Medford presented a petition (subject Joint Rule 12) of Paul J. Donato relative to establishing a sick leave bank for Stephen Costa, an employee of the Massachusetts Rehabilitation Commission; and the same was referred, under Rule 24, to the committee on Rules.

Stephen Costa,— sick leave bank.

Paper from the Senate.

The Senate Bill relative to a lien for architects, engineers, land surveyors and other site professionals (Senate, No. 2512), came from the Senate with the endorsement that said branch had concurred with the House in its amendment (in section 2, in line 72, striking out the word "prime") with further amendments in section 10, in line 103, inserting after the word "mortgage" the word "except"; striking out section 19 (as changed by the Senate committee on Bills in the Third Reading) and inserting in place thereof the following section:

Architect,— liens.

"SECTION 19. Section 33 of said chapter 254, as so appearing, is hereby amended by striking out, in line 28, the word 'section' and inserting in place thereof the following words:— 'sections 2C, 2D or'." ; and adding the following two sections:

"SECTION 20. This act shall apply to liens for professional services, as defined in section 1, for which any person has filed or recorded a notice of contract on an interest in real property on or after the effective date of this act; provided, however, that this act shall not apply to any mortgage filed or recorded before the effective date of this act.

SECTION 21. This act shall take effect on July 1, 2011.".

Under suspension of Rule 35, on motion of Mr. Murphy of Burlington, the further 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.

Mr. Donato of Medford having returned to the Chair,—

By Mr. Binienda of Worcester, for the committee on Rules, that Joint Rule 12 be suspended on the petition of Todd M. Smola and Stephen M. Brewer for legislation to establish a sick leave bank for Linda Baker, an employee of the Department of Developmental Services.

Linda Baker,— sick leave bank.

Under suspension of the rules, on motion of Mr. Pedone of Worcester, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

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

Authorizing the town of Cummington to continue the employment Police Chief Dennis W. Forgea (Senate, No. 2632, amended) [Local Approval Received];

Cummington,— Dennis Forgea.

Rutland,—proceedings.

Validating certain proceedings in the town of Rutland (Senate, No. 2647) [Local Approval Received]; and

House bills

North Andover,—Christopher M. Dufresne.

Authorizing the appointment of Christopher M. Dufresne as a firefighter in the town of North Andover notwithstanding the maximum age requirements (House, No. 5011) [Local Approval Received]; and

South Hadley,—town meeting.

Relative to South Hadley town meeting members (House, No. 5096) [Local Approval Received];

Under suspension of Rule 7A, in each instance, on motion of Mr. Kafka, the bills severally were read a second time forthwith; and they were ordered to a third reading.

Reports

Northborough,—alcoholic beverages.

Of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10), on the joint petition (accompanied by bill, House, No. 5013) of Harold P. Naughton, Jr., Harriette L. Chandler and others (by vote of the town) that the town of Northborough be authorized to issue a license for the sale of alcoholic beverages to be located at "The Shops@20" in said town;

Woburn,—alcoholic beverages.

Of the same committee, ought NOT to pass (under Joint Rule 10), on the joint petition (accompanied by bill, House, No. 5042) of James Dwyer, Kenneth J. Donnelly and others (with approval of the city council) for legislation to authorize the city of Woburn to issue ten additional licenses for the sale of all alcoholic beverages to be drunk on the premises; and

North Reading,—alcoholic beverages.

Of the same committee, ought NOT to pass (under Joint Rule 10), on the joint petition (accompanied by bill, House, No. 5068) of Bradley H. Jones, Jr., and others (by vote of the town) that the town of North Reading be authorized to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises;

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, in each instance, on acceptance of the reports, the petitions were recommitted, on motions of Mr. Speliotis of Danvers.

Robert Manning,—sick leave bank.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill establishing a sick leave bank for Robert Manning (House, No. 5117). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Emergency Measure.

Brian Linehan,—sick leave bank.

The engrossed Bill establishing a sick leave bank for Brian Linehan, an employee of the Department of Revenue (see House, No. 5067, 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 5 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

The engrossed Bill authorizing the town of Sudbury to enter into and to extend wireless facility contracts or leases for periods in excess of 20 years (see House, No. 4715, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate. Bill re-enacted.

The engrossed Bill authorizing the lease and construction of improvements to the North Branch Library and East Branch Library buildings in the town of Watertown (see House, No. 4667, amended) (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.

Motion to Discharge a Certain Matter in the Orders of the Day.

The House Bill to assure college and career readiness through six-year career plans for all Massachusetts public schools (House, No. 4523), was discharged from its position in the Orders of the Day and read a second time forthwith, under suspension of Rule 47, on motion of Mr. Kafka of Stoughton. Students,— career plans.

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. 4933),— was rejected.

Pending the question on ordering the bill to a third reading, Ms. Peisch of Wellesley moved to amend it by substitution of a bill with the same title (House, No. 5120), which was read.

The amendment was adopted; and the substituted bill was ordered to a third reading.

Order.

On motion of Mr. DeLeo of Winthrop,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M. Next sitting.

At eleven minutes after twelve o'clock noon, on motion of Mrs. Poirier of North Attleborough (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.

Tuesday, December 21, 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).

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.

Communications.

Iran,—pension fund.

A communication from the Pension Reserves Investment Management Board (under the provisions of Chapter 232 of the Acts of 2010) submitting a list of companies that invest in the Islamic Republic of Iran and that meet the criteria for divestment from the pension fund, was placed on file.

Annual Reports.

Annual reports

Credit insurance.

Of the Commissioner of Insurance (under the provisions of Section 117C of Chapter 175 of the General Laws) relative to a summary of insurance claims experience and loss ratio data on credit life insurance and credit accident and health insurance;

Energy Resources.

Of the Department of Energy Resources (under the provisions of Section 5 of Chapter 25A of the General Laws) for fiscal year 2010 and projected spending for the calendar year 2011; and

Homeowners' insurance.

Of the Commissioner of Insurance (under the provisions of Section 4A of Chapter 175 of the General Laws) of the homeowners insurance market in the Commonwealth for the year 2009.

Severally were placed on file.

Papers from the Senate.

School employees.

A Bill relative to protecting the rights of custodial and other non teaching employees of the school districts (Senate, No. 2661) (on Senate Bill No. 268), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Brookfield,—tax collector.

A Bill relative to the tax collector in the town of Brookfield (Senate, No. 2651) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reports of Committees.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the following bills be scheduled for consideration by the House:

House bills

Charles River Commission.

Relative to the Charles River Water Quality Commission (House, No. 5112); and

Establishing a sick leave bank for Robert Manning, an employee of the Dorchester Division of the Boston Municipal Court (House, No. 5117); Robert Manning,— sick leave bank.

Under suspension of Rule 7A, in each instance, on motion of Mr. Kafka, the bills severally were read a second time forthwith; and they were ordered to a third reading.

By Mr. Moran of Boston, for the committee on Election Laws, on a joint petition, a Bill validating a certain election in the town of Millville (House, No. 5115) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Millville,— election.

Motions to Discharge Certain Matters in the Orders of the Day.

The engrossed Bill relative to pooling of tips (see House, No. 4814, amended), which had been returned to the House by His Excellency the Governor with recommendation of amendment (for message, see House, No. 4984), was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Pedone of Worcester. Tips,— pooling.

The committee on Bills in the Third Reading, to whom had been recommitted the bill, reported recommending that the amendment recommended by the Governor be considered in the form previously recommended by the committee, as follows:

"In section 2, by striking out clauses (ii) and (iii) and inserting in place thereof the following clause:—

(ii) assigning employees to their posts, shall qualify as a wait staff employee for purposes of this section." .

On the recurring question, the amendment was adopted. Sent to the Senate for its action.

The House Bill relative to the practice of podiatry (House, No. 4912) (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 Mr. Walsh of Boston. Podiatrist,— registration.

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.

The House Bill relative to the signing of warrants for payment in the town of Pembroke (House, No. 4918), was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Sciortino of Medford. Pembroke,— warrants.

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.

The House Bill relative to cutting down, trimming or removing bushes and small trees (House, No. 4791), was discharged from its position in the Orders of the Day, under suspension of Rule 47, on motion of Mr. Galvin of Canton. Trees.

Trees.

The bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) then was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Pedone of Worcester moved to amend it by substitution of a bill with the same title (House, No. 5121), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Thursday next at eleven o'clock A.M.

At eighteen minutes after eleven o'clock A.M., on motion of Mr. Frost of Auburn (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.

Thursday, December 23, 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.

Annual and Special Reports.

The annual report of the Water Pollution Abatement Trust (under the provisions of Section 17 of Chapter 29C of the General Laws) of the operations, properties and expenditures of said trust for the fiscal year 2010; and

Water Pollution Abatement Trust.

A report of the Massachusetts Cultural Council (under the provisions of Section 70 of Chapter 188 of the Acts of 2010) relative to state incentives and resources to enhance cultural districts;

Cultural Council.

Severally were placed on file.

Resolutions.

Resolutions (filed with the Clerk by Ms. Peake of Provincetown) congratulating David Alexander McWilliams on receiving the Eagle Award of the Boy Scouts of America, were referred, under Rule 85, to the committee on Rules.

David Alexander McWilliams.

Mr. Binienda of Worcester, for said committee, reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Ms. Wolf of Cambridge, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petition.

Representative Canessa of New Bedford and Senator Montigny presented a joint petition (subject to Joint Rule 12) of Stephen R. Canessa and Mark C. Montigny for legislation to establish a sick leave bank for Barbara Silva, an employee of the Department of Correction; and the same was referred, under Rule 24, to the committee on Rules.

Barbara Silva,—sick leave bank.

Papers from the Senate.

The House Bill 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 (House, No. 4408), came from the Senate passed to be engrossed, in concurrence, with amendments striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2662; and striking out the title and inserting in place thereof the following title: "An Act authorizing the town of Chelmsford to regulate the removal of aboveground

Chelmsford,—utility hardware.

Chelmsford,—utility hardware.

utility poles, overhead wires and other associated structures and to regulate the installation of underground wires and associated structures.”.

Under suspension of Rule 35, on motion of Mr. Golden of Lowell, 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.

Municipal property taxes.

A petition of Kenneth J. Donnelly and Susan C. Fargo for legislation to allow for the re-approval of municipal property tax rates in certain circumstances, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2665) was referred, in concurrence, to the committee on Revenue.

Reports of Committees.

Stephan Costa,—sick leave bank.

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 a petition of Paul J. Donato relative to establishing a sick leave bank for Stephen Costa, an employee of the Massachusetts Rehabilitation Commission. Under suspension of the rules, on motion of Mr. Scoirtino of Medford, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the following bills be scheduled for consideration by the House:

Brookfield,—tax collector.

Senate Bill providing for an elected tax collector in the town of Brookfield (Senate, No. 2651); and

Harwich,—alcoholic beverages.

House bill authorizing the town of Harwich to issue one (1) additional liquor license (House, No. 5107);

Under suspension of Rule 7A, in each instance, on motion of Mr. Smizik of Brookline, the bills severally were read a second time forthwith; and they were ordered to a third reading.

Reading,—alcoholic beverages.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on House, No. 5068, a 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 (House, No. 5122). 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 Mr. Hill of Ipswich, the bill was read a second time forthwith; and it was ordered to a third reading.

Patrick J. Hagar,—

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Patrick J. Hagar,

an employee of the Department of Revenue (House, No. 5110). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

sick leave bank.

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 Mr. Smizik of Brookline, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Spellane of Worcester, for the committee on Public Service, on a joint petition, a Bill establishing a sick leave bank for Lori J. Madrazo-Bulak, an employee of the Office of Health and Human Services (House, No. 5119). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Lori J. Madrazo-Bulak,—sick leave bank.

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 Mr. Murphy of Burlington, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on House, No. 5113, a Bill authorizing the town of Bellingham to grant an additional restaurant all alcohol license (House, No. 5123) [Representative O'Day of West Boylston, dissenting]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Bellingham,—alcoholic beverages.

Engrossed Bills.

The engrossed establishing a sick leave bank for Brian Linehan, an employee of the Department of Revenue (see House, No. 5067, amended) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted.

Engrossed bills

Relative to a lien for architects, engineers, land surveyors and site professionals (see Senate, No. 2512, amended) (which originated in the Senate); and

Bills enacted.

Authorizing the town of Hingham to designate a check off box on its tax bills (see House, No. 4714) (which 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 it were signed by the acting Speaker and sent to the Senate.

Motions to Discharge Certain Matters in the Orders of the Day.

The House Bill relative to home service contracts (House, No. 4957), was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Murphy of Burlington.

Home service contracts.

Home service contracts.

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.

South Hadley,— town meeting.

The House Bill relative to South Hadley town meeting members (House, No. 5096), 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. Sent to the Senate for concurrence.

Robert Manning,— sick leave bank.

The House Bill establishing a sick leave bank for Robert Manning, an employee of the Dorchester Division of the Boston Municipal Court (House, No. 5117), was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Brownsberger of Belmont.

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.

Students,— readiness.

The House Bill relative to college and career readiness for Massachusetts public school students (House, No. 5120) (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. Peisch of Wellesley.

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.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

At a quarter before twelve o'clock noon, on motion of Mr. Hill of Ipswich (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.

Tuesday, December 28, 2010.

Met at eleven o'clock A.M., in an Informal Session (the previously scheduled time for meeting having been postponed due to a snow emergency), 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.

Message from the Governor.

Lexington,—tax rate.

A message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to authorizing recertification of the fiscal year 2011 tax rate for the town of Lexington (House, No. 5126), was filed in the office of the Clerk on Thursday, December 23.

The message was read; and it was referred, on motion of Mr. Kaufman of Lexington, with the accompanying draft of bill, to the committee on Rules.

Mr. Binienda of Worcester, for said committee, on the foregoing message, reported a Bill relative to authorizing recertification of the fiscal year 2011 tax rate for the town of Lexington (printed in House, No. 5126). 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.

Resolutions.

Sergeant Kevin Duffey.

Resolutions (filed with the Clerk by Messrs. Stanley of Waltham and Koutoujian of Waltham) honoring Sergeant Kevin Duffey of the United States Army on his valor during combat in Afghanistan, were referred, under Rule 85, to the committee on Rules.

Mr. Binienda of Worcester, for said committee, reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Walsh of Lynn, 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:

Ralph P. Ruzzo, Sr.,—sick leave bank.

By Mr. Michlewitz of Boston, a petition (subject to Joint Rule 12) of Aaron Michlewitz for legislation to establish a sick leave bank for Ralph P. Ruzzo, Sr., an employee of the Trial Court.

Michelle Potter,—sick leave bank.

By Mr. Straus of Mattapoisett, a petition (subject to Joint Rule 12) of William M. Straus for legislation to establish a sick leave bank for Michelle Potter, an employee of the Trial Court.

Severally, under Rule 24, to the committee on Rules.

Reports of Committees.

Middleborough,—charter.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Senate Bill amending the charter of the town of Middleborough (Senate, No. 2617) [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.

Karen Reilly, —sick leave bank.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill establishing a sick leave bank for Tara Reilly, an employee of the Department of Children and Families (House, No. 5111, changed), 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.

Pending the question on ordering the bill to a third reading, Mr. Kafka moved to amend it in the title by striking out the word "Tara" and inserting in place thereof the word "Karen".

The amendment was adopted; and the bill (House, No. 5111, changed and amended) was ordered to a third reading.

Kathryn Beaupre,—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 Kathryn Beaupre (House, No. 5116). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Engrossed Bill.

Bill enacted.

The engrossed Bill relative to the purchase of flags in the Commonwealth (see House, No. 5081) (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.

Motions to Discharge Certain Matters in the Orders of the Day.

Brookfield,—tax collector.

The Senate Bill providing for an elected tax collector in the town of Brookfield (Senate, No. 2651), was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Pedone of Worcester.

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.

Milford,—alcoholic beverages.

The House Bill authorizing the town of Milford to grant an additional license for the sale of all alcoholic beverages to be drunk on

the premises (House, No. 5071), was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Pedone of Worcester.

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.

Charles River Water Quality Commission.

The House Bill relative to the Charles River Water Quality Commission (House, No. 5112), was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Pedone of Worcester.

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.

Patrick J. Hager,— sick leave bank.

The House Bill establishing a sick leave bank for Patrick J. Hager, an employee of the Department of Revenue (House, No. 5110), was discharged from its position in the Orders of the Day, under suspension of Rule 47, on motion of Mr. Pedone of Worcester. The bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) then was read a third time.

Pending the question on passing the bill to be engrossed, the same member 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 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.".

The amendment was adopted; and the bill (House, No. 5110, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Lori J. Madrazo-Bulak,— sick leave bank.

The House Bill establishing a sick leave bank for Lori J. Madrazo-Bulak, an employee of the Executive Office of Health and Human Services (House, No. 5119) (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, under suspension of Rule 47, on motion of Mr. Pedone of Worcester. The bill (having been reported by said committee to be correctly drawn) then was read a third time.

Pending the question on passing the bill to be engrossed, the same member 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 establish forthwith a sick leave bank for a certain employee of the executive office of health and human services, 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. 5119, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Thursday next at eleven o'clock A.M.

At a twenty-six minutes after eleven o'clock A.M., on motion of Mr. deMacedo of Plymouth (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.

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 Maquire.

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.

Pilotage Rate Board,— establishment.

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:

"*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.

Dartmouth,— Lincoln Park.

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.

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 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 LXVII) 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.

Engrossed bills

Bills enacted.

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.

Fire insurance policies.

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:

"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 excluse coverage for loss by fire or other perils insured against if the fire or other periols 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. Exlcusions 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.

Middleborough,— charter.

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.

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.

Brimfield,— special fund.

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.

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.

Rutland,— validate proceedings.

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.

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.

Cambridge,—retirement system.

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 word “may”.

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.

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), 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:

“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.

Supplemental appropriations.

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

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.

Ralph P. Russo, Sr.,—sick leave bank.

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.

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); Group insurance.

Providing for the establishment of a fire department in the town of Newbury (Senate, No. 2516) [Local Approval Received]; Newbury,— fire department.

Establishing a sewer construction fund for the town of Barnstable (Senate, No. 2603) [Local Approval Received]; and Barnstable,— sewer fund.

Authorizing the city of Quincy to abate certain fiscal year 2010 real property taxes (Senate, No. 2639, amended) [Local Approval Received]; and Quincy,— property taxes.

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]; Cambridge,— land.

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. Betty Garcia,— sick leave bank.

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. Doreen Edwards,— sick leave bank.

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. Bill enacted.

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. Lexington,— tax rate.

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.

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.

Engrossed bills

Bills enacted.

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.

Monday, January 3, 2011.

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).

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.

Resolutions.

Gordon Forrester.

Resolutions (filed with the Clerk by Mr. Kujawski of Webster) congratulating Chief Gordon Forrester on the occasion of his retirement from the Webster Fire Department, were referred, under Rule 85, to the committee on Rules.

Mr. Binienda of Worcester, for said committee, reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Dwyer of Woburn, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communication.

Northeastern University Boathouse.

A communication from Northeastern University (under Chapter 645 of the Acts of 1986) relative to the lease entered into by and between the Commonwealth of Massachusetts and Northeastern University for the University Boathouse, was placed on file.

Paper from the Senate.

Boston,— land conveyance.

A Bill providing for the disposition of Commonwealth-owned land in the city of Boston (Senate, No. 2645, amended in section 6, in line 41, by striking out the word "used" and inserting in place thereof the following: "developed prior to the receipt of the certification in section 7"; and by adding the following section:

"SECTION 7. Upon completion of the redevelopment of the property for the purposes described in section 1, as evidenced by an architect's certificate of completion, the commissioner shall furnish the grantee with an appropriate instrument, in recordable form, certifying as to such completion. Such certification by the commissioner shall be a conclusive determination of the grantee's satisfaction of the conditions in section 1 and shall further constitute a termination of the right of reversion contained in section 6.") (on Senate bill No. 2612), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Reports of Committees.

Betty Garcia,— sick leave bank.

By Mr. Spellane of Worcester, for the committee on Public Service, on a recommitted petition, a Bill establishing a sick leave bank for Betty Garcia, an employee of the Department of Transitional Assis-

tance (House, No. 5084). 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, under suspension of the rules, on motion of Mr. Pedone of Worcester, 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.

Emergency Measures.

Maryann Audette,—sick leave bank.

The engrossed Bill establishing a sick leave bank for Maryann Audette, an employee of the Department of Revenue (see Senate, No. 2644, 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 7 to 0. Sent to the Senate for concurrence.

Bill enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Beverly O'Riordan,—sick leave bank.

The engrossed Bill establishing a sick leave bank for Beverly O'Riordan, an employee of the Department of Elementary and Secondary Education (see Senate, No. 2660), 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 7 to 0. Sent to the Senate for concurrence.

Bill enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Engrossed Bills.

Bill enacted.

The engrossed Bill establishing the Massachusetts state pilotage rate board (see Senate, No. 2174, amended), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Engrossed bills

Bills enacted.

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 (see Senate, No. 2160) (which originated in the Senate);

Bills enacted.

Relative to certain members of the Cambridge retirement system (see House, No. 4280, amended); and

Relative to cutting down, trimming or removing bushes and small trees (see House, No. 5121, 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.

Frank J. Servello,—sick leave bank.

The engrossed Bill establishing a sick leave bank for Frank J. Servello, an employee of the Executive Office of Public Safety and Security (see Senate, No. 2650) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Pending the question on passing the bill to be enacted, Mr. Kafka of Stoughton moved that Rule 40 be suspended; and the motion prevailed. The same member then moved to amend the bill in lines 1 to 4, inclusive, by striking out the following:

"Notwithstanding any general or special law, rule or regulation to the contrary, the executive office of public safety and security shall establish a sick leave bank for Frank J. Servello, an employee of the executive office of public safety and security." (as changed by the House committee on Bills in the Third Reading); and inserting in place thereof the following:

"Notwithstanding any general or special law, rule or regulation to the contrary, the executive office of public safety and security shall establish a sick leave bank for Frank J. Servello, a 24-year employee of the department of correction, transferred to the executive office of public safety and security on August 1, 2010, as the result of consolidation of the secretariat's information technology functions.".

The amendment was adopted. Sent to the Senate for concurrence.

Motions to Discharge Certain Matters in the Orders of the Day.

Cummington,—Dennis Forgea.

The Senate Bill authorizing the town of Cummington to continue the employment of Police Chief Dennis W. Forgea (Senate, No. 2632, amended), was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Kafka of Stoughton.

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.

Police identification cards.

The Senate Bill relative to the issuance of uniform police identification cards (Senate, No. 2649), was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Kafka of Stoughton.

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 House Bill relative to the appointment of the treasurer of Palmer Fire District Number One and Palmer Water District Number One (House, No. 1881), was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Kafka of Stoughton.

Palmer,— fire and water districts.

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.

The House Bill authorizing the appointment of Christopher M. Dufresne as a firefighter in the town of North Andover notwithstanding the maximum age requirements (House, No. 5011), was discharged from its position in the Orders of the Day, under suspension of Rule 47, on motion of Mr. Kafka of Stoughton.

North Andover,— Christopher M. Dufresne.

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.

The House Resolve providing for an investigation and study by a special commission on college scholarships (House, No. 5129), was discharged from its position in the Orders of the Day, under suspension of Rule 47, on motion of Mr. Kafka of Stoughton.

College scholarships.

The resolve (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.

Recess.

At five minutes before one o'clock P.M., on motion of Mr. Pedone of Worcester (Mr. Donato of Medford being in the Chair), the House recessed until the hour of three o'clock; and at twenty-four minutes after three o'clock the House was called to order with Mr. Donato in the Chair.

Recess.

Emergency Measures.

The engrossed Bill designating a proposed walking path in the Belle Isle Marsh Area in the town of Winthrop as the John Kilmartin Walkway (see House, No. 5035), 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.

Winthrop,— John Kilmartin walkway.

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 7 to 0. Sent to the Senate for concurrence.

The engrossed Bill establishing a sick leave bank for Patrick J. Hager, an employee of the Department of Revenue (see House, No. 5110, 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.

Patrick J. Hager,— sick leave bank.

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 7 to 0. Sent to the Senate for concurrence.

Robert Manning,—sick leave bank.

The engrossed Bill establishing a sick leave bank for Robert Manning, an employee of the Trial Court (see House, No. 5117), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 8 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills

Bills enacted.

Authorizing the town of Cummington to continue the employment of Police Chief Dennis W. Forgea (see Senate, No. 2632, amended) (which originated in the Senate);

Relative to the distribution of copies of the warrant in the town of North Andover (see House, No. 1900); and

Authorizing the town of Reading to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 5122);

(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.

Motion to Discharge a Certain Matter in the Orders of the Day.

Raynham,—bridges.

The Senate Bill designating certain bridges under the control of the Massachusetts Department of Transportation (Senate, No. 2666), was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Flynn of Bridgewater.

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.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

At half past three 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 day at eleven o'clock A.M., in an Informal Session.

Tuesday, January 4, 2011.

Met according to adjournment at eleven o'clock A.M., in an Informal Session, with Mr. Kafka of Stoughton 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. Kafka), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of allegiance.

Annual and Special Reports.

The annual report of MassDevelopment (under Section 29A(k) of Chapter 23G) relative to the Massachusetts Brownsfield Redevelopment Fund for the year 2010;

Brownsfield Redevelopment Fund.

The monthly report of the Division of Unemployment Assistance (under the provision of Chapter 142 of the Acts of 2003) relative to the condition of the Commonwealth's Unemployment Insurance Trust Fund December 2010; and

Unemployment Trust Fund.

Reports

Of the Department of Probation (under Section 140 of Chapter 256 of the Acts of 2010) relative to rehabilitation;

Rehabilitation.

Of the Division of Insurance (under Section 58 of Chapter 288 of the Acts of 2010) submitting its final report on the impact of reducing the number of health benefit plans that a health care payer may maintain and offer to individuals and employers; and

Health benefit plans.

Of the Division of Insurance (under Section 66A of Chapter 288 of the Acts of 2010) relative to the collection of information from small group health carriers about contracts with participating providers;

Health carrier information.

Severally were placed on file.

Petition.

Mr. Garballey of Arlington presented a petition (subject Joint Rule 12) of Sean Garballey for legislation to establish a sick leave bank for Lois Keithly, an employee of the Department of Public Health; and the same was referred, under Rule 24, to the committee on Rules.

Lois Keithly,—sick leave bank.

Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Mariano of Quincy, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Public Service.

Subsequently, Mr. Spellane of Worcester, for the committee on Public Service, reported on the foregoing petition, a Bill establishing a sick leave bank for Lois Keithly, an employee of the Department of Public Health (House, No. 5132). 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.

Lois Keithly,—sick leave bank.

Under suspension of the rules, 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 the same member, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, in concurrence.

Paper from the Senate.

Home service contracts.

The engrossed Bill relative to home service contracts (see House, No. 4957, amended), came from the Senate with an amendment striking out all after the enacting clause and inserting in place thereof the text contain in Senate document numbered 2668.

Under suspension of Rule 35, on motion of Mr. Mariano of Quincy, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Reports of Committees.

Jeffrey Botelho,—sick leave bank.

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 a petition of David B. Sullivan for legislation to establish a sick leave bank for Jeffrey Botelho, an employee of the Department of Correction. Under suspension of the rules, on motion of Mr. Walsh of Lynn, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Boston,—land.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill providing for the disposition of Commonwealth land in the city of Boston (Senate, No. 2645, amended) 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.

Subsequently, under suspension of the rules, on motion of Mr. Garballey of Arlington, 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.

Belmont and Cambridge,—land.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill providing for park expansion and urban wildlife preservation in Belmont and Cambridge (House, No. 701) ought to pass with amendments in lines 6 and 7 by striking out the words “funds authorized by Chapter 312 of the Acts of 2008 or”; and in lines 8 and 9 by striking out, in each instance, the word “shall” and inserting in place thereof the word “may”. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendments pending.

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. The amendments recommended by the committee on Ways and Means then were adopted; and the bill, as amended, was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Ms. Story of Amherst, 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 for park expansion and urban wildlife preservation in the town of Belmont and the city of Cambridge. Sent to the Senate for concurrence.

Ralph P. Ruzzo, Sr.,—sick leave.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill establishing a sick leave bank for Ralph P. Ruzzo, Sr., an employee of the Trial Court (House, No. 5130). 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, under suspension of the rules, 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) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Emergency Measure.

Police identification cards.

The engrossed Bill relative to the issuance of uniform police identification cards (see Senate, No. 2649), 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.

Bill enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Frank J. Servello,—sick leave bank.

The engrossed Bill establishing a sick leave bank for Frank J. Servello, an employee of the Executive Office of Public Safety and Security (see Senate, No. 2650, 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 5 to 0. Sent to the Senate for concurrence.

Bill enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Engrossed Bills.

Engrossed bills

Bills enacted.

Relating to improving quality in early education and care by family child care providers (see House, No. 4917, amended);

Designating a proposed walking path in the Belle Isle Marsh Area in the town of Winthrop as the John Kilmartin Walkway (see House, No. 5035);

Establishing a sick leave bank for Patrick J. Hager, an employee of the Department of Revenue (see House, No. 5110, amended); and

Establishing a sick leave bank for Robert Manning, an employee of the Trial Court (see House, No. 5117);

(Which severally originated in the House);

In respect to each of which the Senate had concurred in adoption of the emergency preamble, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Bill enacted.

The engrossed Bill relative to home service contracts (see House, No. 4957, amended) (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.

Motion to Discharge a Certain Matter in the Orders of the Day.

Group health insurance.

The Senate Bill relative to group health insurance (Senate, No. 489), was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Pedone of Worcester.

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 twenty-nine minutes after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (Mr. Kafka of Stoughton being in the Chair), the House recessed, subject to the call of the Chair; and at twenty three minutes before two o'clock the House was called to order with Mr. Donato in the Chair.

Papers from the Senate.

Winchendon,—town charter.

The engrossed Bill amending the charter of the town of Winchendon (Senate, No. 2333), came from the Senate with an amendment inserting after section 1 the following section:

"SECTION 1A. Subsection (c) of section 3-7 of section 1 shall take effect as of March 1, 1933.".

Under suspension of Rule 35, on motion of Mr. Rice of Gardner, the amendment (reported by the committee on Bills in the Third Read-

ing to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

License plates,—military.

The House Bill relative to special license plates for certain military personnel (House, No. 4923), 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 2667.

Under suspension of Rule 35, on motion of Mr. Pedone of Worcester, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Home service contracts.

The engrossed Bill relative to home service contracts (see House, No. 4957, amended by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2668), came from the Senate with amendments in section 2, in lines 22 and 23 and also in lines 113 and 114, by striking out the words "maintenance of real, tangible personal property" and inserting in place thereof, in each instance, the words "maintenance of tangible personal property".

Under suspension of Rule 35, on motion of Mr. Pedone 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.

Corrective changes.

A Bill making corrective changes in certain general and special laws (printed in Senate, No. 2669) (on a communication from the Counsel to House of Representatives and the Counsel to the Senate), came from the Senate passed to be engrossed by said branch. 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, under suspension of the rules, on motion of Mr. Pedone of Worcester, 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.

Reports of Committees.

Methuen,—Christopher J. Lane.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill exempting Christopher J. Lane from the maximum age requirement for police officers in the city of Methuen (House, No. 4900), 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.

Subsequently, under suspension of the rules, on motion of Mr. Pedone of Worcester, 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 authorizing the appointment of Christopher J. Lane as a police officers in the city of Methuen, notwithstanding the maximum age requirements. Sent to the Senate for concurrence.

Revere,—motor vehicle licenses.

By Mr. Binienda of Worcester, for the committee on Rules, on House, No. 5124, a Bill regulating the issuance of second hand motor vehicle licenses in the city of Revere (House, No. 5074) [Local Approval Received]. 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, under suspension of the rules, on motion of Mr. Garballey of Arlington, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, in concurrence.

Engrossed Bills.

Bill re-enacted.

The engrossed Bill relative to the standard fire insurance policy (see House, No. 960, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Bills enacted.

Engrossed bills

Relative to group health insurance (see Senate, No. 489); and

Designating certain bridges under the control of the Massachusetts Department of Transportation (see Senate, No. 2666);

(Which severally originated in the Senate);

Providing for the appointment of the treasurer of Palmer Fire District Number One and Palmer Waster District Number One (see House, No. 1881); and

Authorizing the appointment of Christopher M. Dufresne as a firefighter in the town of North Andover notwithstanding the maximum age requirement (see House, No. 5011);

(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 it were signed by the acting Speaker and sent to the Senate.

Motions to Discharge Certain Matters in the Orders of the Day.

Life insurers,—reserves.

The Senate Bill relative to compliance with reserve requirements of life insurers (Senate, No. 2542), having been 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 considered forthwith, under suspension of Rule 47, on motion Mr. Sannicandro of Ashland, the bill then was read a third time and passed to be engrossed, in concurrence.

The following House bills were discharged from their position in the Orders of the Day and considered forthwith under suspension of Rule 47, in each instance, on motion of Mr. Sannicandro of Ashland:

Relative to dental hygienists (printed as Senate, No. 804) (its title having been changed by the committee on Bills in the Third Reading); and

Dental hygienists.

Relative to the distribution of the simplified rules of procedure for special town meetings in the town of North Andover (House, No. 1899);

North Andover,—town meeting.

The bills, severally having been reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Sent to the Senate for concurrence.

The House Bill authorizing the town of Arlington to establish senior citizen safety zones (House, No. 4805), was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Mariano of Quincy.

Arlington,—seniors.

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.

The House Bill validating a certain election in the town of Millville (House, No. 5115), was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Ms. Peake of Provincetown.

Millville,—election.

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.

The House Bill authorizing the town of Bellingham to grant an additional license for the sale of alcoholic beverages to be drunk on the premises (House, No. 5123) (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, under suspension of Rule 47, on motion of Mr. Garballey of Arlington.

Bellingham,—alcoholic beverages.

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.

Recess.

At twenty-four minutes before three o'clock P.M., on motion of Mr. Mariano of Quincy (Mr. Donato of Medford being in the Chair), the House recessed, until four o'clock; and at twelve minutes after four o'clock the House was called to order with Mr. Donato in the Chair.

Recess.

Papers from the Senate.

Rayham, etc.—bridges.

The engrossed Bill designating certain bridges under the control of the Massachusetts Department of Transportation (see Senate, No. 2666), came from the Senate with an amendment in section 3, in line 6, striking out the words "and maintain" (as inserted by the House committee on Bills in the Third Reading) and inserting in place there of the following words "and maintain".

Under suspension of Rule 35, on motion of Mr. Flynn of Bridgewater, 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.

Harwich,—alcoholic beverages.

The House Bill authorizing the town of Harwich to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 5026), 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 following:

"SECTION 1. (a) Notwithstanding sections 17 and 17A of chapter 138 of the General Laws, the licensing authority of the town of Harwich may convert 1 currently issued seasonal license for the sale of all alcoholic beverages to be drunk on the premises under section 12 of said chapter 138, currently issued to Back Nine Café, LLC. , located at 183 Oak street, to an annual license for the sale of all alcoholic beverages to be drunk on the premises under said section 12 of said chapter 138. The license granted under this section shall be subject to all of said chapter 138 except said sections 17 and 17A.

(b) The licensing authority shall not approve the transfer of the license to any other location, but it may grant the license to a new applicant at the same location if the applicant for the license files with the authority a letter from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

(c) If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority which may then grant the license to a new applicant at the same location under the same conditions as specified in this section.

SECTION 2. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Harwich may grant a license for the sale of all alcoholic beverages to be drunk on the premises under section 12 of said chapter 138, to Patrick Wiseman and Annie Wiseman doing business at 86 Sisson road, state highway route 39, Harwich Port.

(b) The licensing authority shall not approve the transfer of the license to any other location, but it may grant the license to a new applicant at the same location if the applicant for the license files with the authority a letter from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

(c) If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal

rights, privileges and restrictions pertaining thereto, to the licensing authority which may then grant the license to a new applicant at the same location under the same conditions as specified in this section.

SECTION 3. This act shall take effect upon its passage.".

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.

Apprentice training.

The House Bill relative to apprentice training (House, No. 4580), 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 following:

"SECTION 1. Said section 11H of said chapter 23, as appearing in the 2008 Official Edition, is herby further amended by adding the following definition:—

'Proctor', an instructor approved by the division or a person competent in an apprentice's trade or occupation including, but not limited to, a journey worker.

SECTION 2. Section 11I of said chapter 23, as so appearing, is hereby amended by inserting after the word 'apprenticed', in line 9, the following words:— and any examinations administered during such instruction shall be monitored by a proctor.

SECTION 3. Section 11K of said chapter 23, as so appearing, is hereby amended by inserting after the word 'learned', in line 19, the following words:— and any examinations administered during such instruction shall be monitored by a proctor.".

Under suspension of Rule 35, on motion of Mr. Walsh 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.

Boston,— Paul Loring Square.

The House Bill designating a certain intersection on Turtle Pond Parkway in the Hyde Park district of the city of Boston as Paul P. Loring Square (House, No. 4120), came from the Senate passed to be engrossed, in concurrence, with amendments striking out all after the enacting clause and inserting in place thereof the following:

"The department of conservation and recreation shall designate a certain area on the Turtle Pond Parkway in the Hyde Park district of city of Boston to be known as Paul P. Loring Square in memory of the late Paul P. Loring, a Turtle Pond parkway resident who served honorably in the United States Army in the Iraq War and served the people of Boston as a firefighter. The department of conservation and recreation shall erect a suitable sign bearing such designations at the designated location."; and striking out the title and inserting in place thereof he following title: "An Act requiring the Department of Conservation and Recreation to designate a certain area as Paul P. Loring Square.".

Under suspension of Rule 35, on motion of Mr. Scaccia of Boston, 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.

Ralph P. Ruzzo, Sr.,— sick leave bank.

The House Bill establishing a sick leave bank for Ralph P. Ruzzo, Sr., an employee of the Trial Court (House, No. 5130), came from the Senate passed to be engrossed, in concurrence, with an amendment in line 2 striking out the word "trial" and inserting in place thereof the words "Boston municipal".

Under suspension of Rule 35, on motion of Mr. Michlewitz 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.

Firearm identification cards.

The House Bill further regulating the issuance of firearm identification cards and licenses to carry firearms (House, No. 2229), came from the Senate passed to be engrossed, in concurrence, with amendments striking out all after the enacting clause and inserting in place thereof the following:

"SECTION 1. Section 129B of chapter 140 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word 'denied', in line 172, the following words:— ; provided, however, that if the cardholder is on active duty with the armed forces of the United States on the expiration date of his card, the card shall remain valid until the cardholder is released from active duty and for a period of not less than 90 days following such release.

SECTION 2. Section 129C of said chapter 140, as so appearing, is hereby amended by striking out clause (j) and inserting in place thereof the following clause:—

(j) Any resident of the commonwealth returning after having been absent from the commonwealth for not less than 180 consecutive days or any new resident moving into the commonwealth, with respect to any firearm, rifle or shotgun and any ammunition therefor then in his possession, for 60 days after such return or entry into the commonwealth.

SECTION 3. Section 131 of said chapter 140, as so appearing, is hereby amended by inserting after the word 'denied', in line 237, the following words:— if the licensee is on active duty with the armed forces of the United States on the expiration date of his license, the license shall remain valid until the licensee is released from active duty and for a period of not less than 90 days following such release."; and striking out the title and inserting in place thereof the following title: "An Act relative to the expiration of firearm identification cards and licenses to carry firearms issued to active duty military.".

Under suspension of Rule 35, on motion of Mr. Peterson of Grafton, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

Stephen Costa,— sick leave bank.

The House Bill establishing a sick leave bank for Stephen Costa, an employee of the Massachusetts Rehabilitation Commission (House, No. 5127), 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 following:

"Notwithstanding any general or special law, rule or regulation to the contrary, the Massachusetts rehabilitation commission shall estab-

lish a sick leave bank for Stephen Costa, an employee of the Massachusetts rehabilitation commission. Any employee of the commission may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Stephen Costa. Whenever Stephen Costa terminates employment with the commission or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the extended illness leave bank. 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 commission.".

Under suspension of Rule 35, on motion of Mr. Pedone of Worcester, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Lori J. Madrazo-Bulak,—sick leave bank.

The House Bill establishing a sick leave bank for Lori J. Madrazo-Bulak, an employee of the Executive Office of Health and Human Services (House, No. 5119, amended), came from the Senate passed to be engrossed, in concurrence, with amendments striking out all after the enacting clause and inserting in place thereof the following:

"SECTION 1. Notwithstanding any general or special law, rule or regulation to the contrary, the department of developmental services shall establish a sick leave bank for Lori J. Madrazo-Bulak, an employee of the department. Any employee of the department may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Lori J. Madrazo-Bulak. Whenever Lori J. Madrazo-Bulak terminates employment with the department or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the extended illness leave bank. 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."; striking out the emergency preamble and inserting in place thereof 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 developmental services, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."; and striking out the title and inserting in place thereof the following title: "An Act establishing a sick leave bank for Lori J. Madrazo-Bulak, an employee of the Department of Developmental Services.".

Under suspension of Rule 35, on motion of Mr. Smola of Palmer, 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.

Heidi Howard,—sick leave bank.

A Bill establishing a sick leave bank for Heidi Howard, an employee of the Department of Developmental Services (Senate, No. 2655, amended) (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.

Heidi Howard,—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 under suspension of the rules, on motion of Mr. Smola of Palmer, 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.

Reports of Committees.

Cape and Vineyard Electric Cooperative.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Senate Bill further regulating the Cape and Vineyard Electric Cooperative, Inc. (Senate, No. 2613), be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Kafka of Stoughton, the bill was read a second time forthwith.

Pending the question on ordering the bill to a third reading, Mr. Madden of Nantucket moved to amend it by striking out all after the enacting clause and inserting in place thereof the following:

"SECTION 1. Sections 1 to 3, inclusive, 6, 6A, 7, 9B, 10 to 14, inclusive, 16, 35, 37, 48, 49, 51, 53 to 58, inclusive, 61, 62, 65 to 69, inclusive, 72 to 74, inclusive, 78 to 80, inclusive, 100 to 102, inclusive, 104 to 106, inclusive, 108, 109 and 112 to 116, inclusive, of chapter 156B of the General Laws shall apply to the Cape & Vineyard Electric Cooperative, Inc.

SECTION 2. Sections 63 and 64 of chapter156B of the General Laws shall apply to the Cape & Vineyard Electric Cooperative, Inc, for statements, reports, articles of organization, articles of amendment and articles of consolidation or merger required to be filed pursuant to said chapter 156B or pursuant to section 136 of chapter 164 of the General Laws.

SECTION 3. The of chapter 156B that are made applicable to the Cape & Vineyard Electric Cooperative, Inc. under section 1 and that pertain to stock and stockholders, shares and classes or series of shares and stock and transfer records shall be applicable as nearly as may be to members, classes of members and records of membership.

SECTION 4. This act shall take effect on passage.".

The amendment was 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 (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, as amended, to be engrossed, Mr. Pedone of Worcester moved to amend it by striking out section 4 (inserted by amendment by the House).

The amendment was adopted; and the bill (Senate, No. 2613, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendments.

Emergency Measures.

The engrossed Bill establishing a sick leave bank for Heidi Howard, an employee of the Department of Developmental Services (see Senate, No. 2655, 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.

Heidi Howard,—sick leave bank.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 4 to 0. Sent to the Senate for concurrence.

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.

The engrossed Bill making corrective changes in certain general and special laws (see Senate, No. 2669), 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.

Corrective changes.

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.

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.

The engrossed Bill relative to special license plates for certain military personnel (see House, No. 4923, 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.

Military,—license plates.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 9 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted.

The engrossed Bill establishing a sick leave bank for Betty Garcia, an employee of the Department of Transitional Assistance (see House, No. 5084), 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.

Betty Garcia,—sick leave bank.

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.

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.

Karen Reilly,—sick leave bank.

The engrossed Bill establishing a sick leave bank for Karen Reilly, an employee of the Department of Children and Families (see House, No. 5111, changed and amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 4 to 0. Sent to the Senate for concurrence.

Bill enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Kathryn Beaupre,—sick leave bank.

The engrossed Bill establishing a sick leave bank for Kathryn Beaupre, an employee of the Department of Public Health (see House, No. 5116, 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.

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.

Lori J. Madrazo-Bulak,—sick leave bank.

The engrossed Bill establishing a sick leave bank for Lori J. Madrazo-Bulak, an employee of the Department of Developmental Services (see House, No. 5119, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 4 to 0. Sent to the Senate for concurrence.

Bill enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Stephen Costa,—sick leave bank.

The engrossed Bill establishing a sick leave bank for Stephen Costa, an employee of the Massachusetts Rehabilitation Commission (see House, No. 5127, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 4 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted.

The engrossed Bill establishing a sick leave bank for Ralph P. Ruzzo, Sr., an employee of the Trial Court (see House, No. 5130, 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.

Ralph P. Ruzzo, Sr.,—sick leave bank.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 4 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted.

The engrossed Bill establishing a sick leave bank for Lois Keithly, an employee of the Department of Public Health (see House, No. 5132), 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.

Lois Keithly,—sick leave bank.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 4 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted.

Engrossed Bills.

Engrossed bills

Amending the charter of the town of Winchendon (see Senate, No. 2333, amended);

Bills enacted.

Relative to compliance with reserve requirements of life insurers (see Senate, No. 2542);

Further regulating the Cape & Vineyard Electric Cooperative, Inc. (see Senate, No. 2613, amended);

Providing for the disposition of Commonwealth-owned land in the city of Boston (see Senate, No. 2645, amended);

Designating certain bridges under the control of the Massachusetts Department of Transportation (see Senate, No. 2666, amended); (Which severally originated in the Senate);

Further regulating dental hygienists practicing in public health settings (see House bill printed as Senate, No. 804);

Bills enacted.

Providing for park expansion and urban wildlife preservation in the town of Belmont and the city of Cambridge (see House, No. 701, amended);

Relative to the Distribution of the simplified rules of procedure for special town meetings in the town of North Andover (see House, No. 1899);

Relative to the expiration of firearm identification cards and licenses to carry firearms issued to active duty military (see House, No. 2229, amended);

Authorizing the department of conservation and recreation to designate a certain area as Paul P. Loring Square (see House, No. 4120, amended);

Relative to apprentice training (see House, No. 4580, amended);

Authorizing the appointment of Christopher J. Lane as a police officer in the city of Methuen, notwithstanding the maximum age requirements (see House, No. 4900);

Relative to home service contracts (see House, No. 4957, amended);

Authorizing the town of Harwich to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 5026, amended);

Regulating the issuance of second hand motor vehicle licenses in the city of Revere (see House, No. 5074);

Providing for consideration for the conveyance of certain land in the city of North Adams (see House, No. 5087); and

Authorizing the town of Bellingham to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 5123);

(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.

At nine minutes before nine o'clock P.M., on motion of Mr. DeLeo of Winthrop (Mr. Donato of Medford being in the Chair), the House adjourned.

[Under the provisions of Article X of the Amendments to the Constitution, the 2009 session of the General Court was dissolved on the day next preceding the first Wednesday of January, without any proclamation or other act of His Excellency the Governor.]

Attest:

STEVEN T. JAMES,
Clerk.