

**JOURNAL OF THE HOUSE.**

Monday, August 29, 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.

*Message from the Governor.*

Supplemental appropriations.

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. 3695) was filed in the office of the Clerk on Thursday, August 25, 2011.

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.

*Petitions.*

Petitions severally were presented and referred, as follows:

Melrose,—land conveyance.

By Mr. Brodeur of Melrose, a petition (accompanied by bill, House, No. 3694) of Paul A. Brodeur (with the approval of the mayor and board of aldermen) relative to the transfer of certain properties from the housing authority of the city of Melrose to the affordable housing corporation of said city. To the committee on Housing.

Boston,—tax exemption filing deadline.

By Mr. Holmes of Boston, a petition (accompanied by bill, House, No. 3693) of Russell E. Holmes (with the approval of the mayor and city council) relative to the date for filing of residential exemptions, personal exemptions and tax deferrals on residential real property in the city of Boston. To the committee on Revenue.

Severally sent to the Senate for concurrence.

*Papers from the Senate.*

*Bills*

Bethany M. Tsiropoulos,—sick leave.

Establishing a sick leave bank for Bethany M. Tsiropoulos, an employee of the Massachusetts Rehabilitation Commission (Senate, No. 2002) (on Senate, No. 1922); and

Caron Parker,—sick leave.

Establishing a sick leave bank for Caron Parker, an employee of the Department of Revenue (Senate, No. 2003) (on Senate, No. 1974);

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.

Mr. Kafka of Stoughton, for said committee, then 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, the bills severally were read a second time forthwith; and they were ordered to a third reading.

A Bill adding members of the Massachusetts Call and Volunteer Firefighters Association to the Massachusetts Fire Training Council (Senate, No. 1188) (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.

Fire Training Council,—membership.

*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:

The Senate Bill exempting certain positions in the town of Shrewsbury from civil service law (Senate, No. 1937) [Local Approval Received]; and

Shrewsbury,—civil service.

*House bills*

Approving the conveyance by the Nantucket Island Land Bank of certain land situated in the town of Nantucket (House, No. 569) [Local Approval Received];

Nantucket,—land bank.

Relative to the cable PEG access enterprise accounts (House, No. 1451);

PEG.

Exempting the position of inspector of buildings, also known as the building commissioner, of the town of Natick from the provisions of civil service law (House, No. 3507) [Local Approval Received];

Natick,—building commissioner.

Exempting the position of fire chief of the town of Natick from the provisions of civil service law (House, No. 3508) [Local Approval Received];

Natick,—fire chief.

Relative to authorizing the town of Needham to dispose of by sale of 375 square feet of conservation land and to grant a permanent ground bed easement to support natural gas transmission under article of amendment XLIX (House, No. 3667) [Local Approval Received];

Needham,—land conveyance.

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.

By Mr. Wagner of Chicopee, for the committee on Economic Development and Emerging Technologies, on Senate, Nos. 150, 155, 168, 169, 170 and House, Nos. 130, 1036, 1037, 1039, 1904, 1905, 3110 and 3111, a Bill establishing expanded gaming in the Commonwealth (House, No. 3697). Read; and referred, under Rule 33, to the committee on Ways and Means.

Expanded gaming.

By Mr. Kocot of Northampton, for the committee on State Administration and Regulatory Oversight, on House, Nos. 3 and 5, a Bill relative to vendor contracts (House, No. 5). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Vendor contracts.

*Emergency Measures.*

The engrossed Bill establishing a sick leave bank for Michele Chandler, an employee of the Executive Office of Health and Human Services (see Senate, No. 1968, 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.

Michele Chandler,—sick leave bank.

Michele  
Chandler,—  
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.

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.

Arcelia  
Williams-  
Sullivan,—  
sick leave  
bank.

The engrossed Bill establishing a sick leave bank for Arcelia Williams-Sullivan, an employee of the Massachusetts Rehabilitation Commission (see House, No. 3588, 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 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.

Exempting certain employees of the school department in the town of Acushnet and certain town of Acushnet clerical and janitorial employees from the civil service law (see House, No. 1618); and

Eliminating the preliminary election in the city of Revere in 2011 (see House, No. 3655);

(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.

Exempting certain positions in the town of Burlington from civil service law (House, No. 3488); and

Establishing a sick leave bank for Terri A. Demars, an employee of the Department of State Police (House, No. 3646) (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 Thursday next at eleven o'clock A.M.

### JOURNAL OF THE HOUSE.

Tuesday, September 6, 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.

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

John P. Cronin.

Resolutions (filed by Messrs. DeLeo of Winthrop and Keenan of Salem) honoring Judge John P. Cronin on the occasion of his retirement; and

James C. McConville.

Resolutions (filed by Mr. Vallee of Franklin) honoring Army Major General James C. McConville on the occasion of new appointment as Commander of the 101st Airborne Division;

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.

#### Petition.

Haverhill,—municipal elections.

Representative Dempsey of Haverhill and Senator Baddour presented a joint petition (accompanied by bill, House, No. 3705) of Brian S. Dempsey and Steven A. Baddour (with the approval of the mayor and city council) for legislation to authorize the clerk of the city of Haverhill to arrange the names of the candidates for municipal elective office by way of a random drawing; and the same was referred to the committee on Election Laws. Sent to the Senate for concurrence.

#### Paper from the Senate.

Melrose,—housing properties.

A petition (accompanied by bill, Senate, No. 2004) of Katherine M. Clark and Thomas M. McGee (with the approval of the mayor and city council) for legislation relative to the transfer of certain properties from the Melrose housing authority to the Melrose affordable housing corporation, was referred, in concurrence, to the committee on Housing.

#### Reports of Committees.

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 establishing expanded gaming in the Commonwealth (House, No. 3702) (for order, see House, No. 3703). The order then was adopted.

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 eligibility of ward councilors-elect to assume office notwithstanding city charter residency restrictions (printed as Senate, No. 1936) [Local Approval Received]; and

Gardner,—councilors-elect.

Relative to vendor contracts (House, No. 5).

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.

Vendor contracts.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill to establishing expanded gaming in the commonwealth (House, No. 3697) ought to pass with an amendment substituting a bill with the same title (House, No. 3702) [Representatives Balseo of Newton and Sciortino of Medford dissent].

Expanded gaming.

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 that the bill ought to pass. 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 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, pending the question on ordering the substituted bill (House, No. 3702) to a third reading, further consideration thereof was postponed, on motion of Mr. Miceli of Wilmington, until Thursday next.

By Ms. Gobi of Spencer, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill authorizing the Division of Capital Management and Maintenance to grant an easement over an access road in Upton State Forest (House, No. 1149, changed in section 1, in line 6, by inserting after the word "Massachusetts" the words: ", and its tenants, licensees, successors and assigns"; and in line 10, by inserting after the word "tower" the words "for Industrial Tower and Wireless, LLC, and its tenants, licensees, successors and assigns." Read; and referred, under Rule 33, to the committee on Ways and Means.

Upton State Forest,—land.

#### Emergency Measures.

The engrossed Bill establishing a sick leave bank for Bethany M. Tsiropoulos, an employee of the Massachusetts Rehabilitation Commission (see Senate, No. 2002) 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.

Bethany M. Tsiropoulos,—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.

Caron Parker,—  
sick leave  
bank.

The engrossed Bill establishing a sick leave bank for Caron Parker, an employee of the Department of Revenue (see Senate, No. 2003) having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 7 to 0. Sent to the Senate for concurrence.

*Engrossed Bill.*

*Engrossed bills*

Bills  
enacted.

Exempting certain positions in the town of Shrewsbury from the civil service law (see Senate, No. 1937) (which originated in the Senate); and

Relative to derivative activities of state banks (see House, No. 303) (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.*

*Senate bills*

Third  
reading  
bills.

Validating a certain vote taken by the town of Tewksbury (Senate, No. 1909); and

Amending the charter of the city of Malden (Senate, No. 1923, amended); Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and were passed to be engrossed, in concurrence.

*House bills*

Third  
reading  
bills.

Relative to the town of Burlington representative town meeting form of government (House, No. 3501); and

Exempting the position of inspector of buildings, also known as the building commissioner, of the town of Natick from the civil service law (House, No. 3507) (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.

Annamarie  
Kineavy,—  
sick leave.

The House Bill establishing a sick leave bank for Annmarie Kineavy, an employee of the Massachusetts Department of Transportation (House, No. 3691), 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 to establish forthwith a sick leave bank for a certain employee of the Massachusetts Department of Transportation,

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. 3691, 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 twenty-six minutes before twelve o'clock noon., on motion of Ms. Provost of Somerville (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.

### JOURNAL OF THE HOUSE.

Thursday, September 8, 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.

#### Silent Prayer.

Richard F. Rossi.

During the session, at the request of Representative Stanley of Waltham, the members, guests and employees stood in a moment of silent tribute in respect to the memory of Richard F. Rossi, a valued employee of the Legislature since 1985, serving as Director of L.I.S. Operations – Legislative Branch. Mr. Rossi, who passed away on Monday, is survived by his wife, Sharon, his daughters Ashlee and Melissa and his son, Richard, Jr.

#### Resolutions.

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

Kyle Sebastian Andrulonis.

Resolutions (filed by Ms. Garlick of Needham) congratulating Kyle Sebastian Andrulonis on receiving the Eagle Award of the Boy Scouts of America;

Admetech Foundation.

Resolutions (filed by Mr. Kulik of Worthington and other members of the House) recognizing Admetech Foundation as the host of the third annual Prostate Cancer Awareness Day at the Massachusetts State House on September 15, 2011;

Natick,— Morris Family Square.

Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) recognizing the dedication of the Morris Family Square dedication in the town of Natick;

William Wiseheart IV.

Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) congratulating William Wiseheart IV on receiving the Eagle Award of the Boy Scouts of America;

Richard J. Gomes.

Resolutions (filed by Representatives Poirier of North Attleborough, Howitt of Seekonk and Barrows of Mansfield) congratulating Chief Richard J. Gomes on the occasion of his retirement;

Yoel Camayd-Freixas.

Resolutions (filed by Mr. Sánchez of Boston) honoring Dr. Yoel Camayd-Freixas on the occasion of the establishment of the Scholarship Fund for the Youth; and

Pipefitters of Boston, Local 537.

Resolutions (filed by Mr. Walsh of Boston and other members of the House) congratulating the Pipefitters of Boston, Local 537 on its centennial;

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.

Representative Galvin of Canton and Senator Joyce presented a joint petition (subject to Joint Rule 12) of William C. Galvin and Brian A. Joyce for legislation to establish a sick leave bank for Debra Callejas, an employee of the Department of Industrial Accidents; and the same was referred, under Rule 24, to the committee on Rules.

Debra Callejas,— 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. Kulik of Worthington, 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.

Representative Straus of Mattapoissett and Senator Pacheco presented a joint petition (subject to Joint Rule 12) of William M. Straus, Marc R. Pacheco and Mark C. Montigny relative to the unpaid leave and retirement benefits of Penelope Harvey, an employee of the Fairhaven public school system; and the same was referred, under Rule 24, to the committee on Rules.

Penelope Harvey,— retirement benefits.

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. Kulik of Worthington, 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.

Petitions severally were presented and referred as follows:

By Mr. Murphy of Lowell, a petition (subject to Joint Rule 12) of Kevin J. Murphy for legislation to require notice to abutters of building permits.

Building permits,— abutters.

By Mr. Webster of Pembroke, a petition (subject to Joint Rule 12) of Daniel K. Webster for legislation to require inspections by the Department of Public Safety of dumb waiters in owner-occupied residences.

Dumb waiters,— inspection.

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

#### Papers from the Senate.

A petition (accompanied by bill) of Frederick E. Berry, John F. Keenan, Anthony W. Petrucci, Sal N. DiDomenico and other members of the General Court for legislation requiring employees at residential facilities licensed by the department of mental health to be equipped with panic buttons, came from the Senate, under suspension of Joint Rule 12, to the committee on Mental Health and Substance Abuse.

Department of Mental Health,— panic buttons.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2006) was referred, in concurrence, to the committee on Mental Health and Substance Abuse.

Ashburnham,—  
town charter. A Bill relative to the town charter for the town of Ashburnham (Senate, No. 2005) (on Senate, No. 1906) [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.*

Children,—  
testimony. 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 Cleon H. Turner relative to recording the testimony of children as witnesses in certain court proceeding. Under suspension of the rules, on motion of Mr. Kulik of Worthington, 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 House bills be scheduled for consideration by the House:

Medical examiners,—  
release of  
body. Relative to the release of a body by the medical examiner to a person charged with an offense which resulted in the death of the deceased (House, No. 2350) [Local Approval Received];

Watertown,—  
special police. Authorizing the appointment of special police officers in the town of Watertown (House, No. 3434) [Local Approval Received]; and

Quincy,—  
tax  
abatement. Authorizing the city of Quincy to abate certain fiscal year 2010 real property taxes (House, No. 3447) [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.

Upton  
State Forest,—  
easement. By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill authorizing the Division of Capital Management and Maintenance to grant an easement over an access road in Upton State Forest (House, No. 1149, changed) ought to pass with an amendment substituting a bill with the same title (House, No. 3706). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee, then reported that the matter be scheduled for consideration by the House. Under suspension of Rule 7A, on motion of 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. 3706) was ordered to a third reading.

Subsequently, 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. Sent to the Senate for concurrence.

Boston,—  
ballots. By Mr. Moran of Boston, for the committee on Election Laws, on a petition, a Bill repealing the sunset clause for the preparation of certain ballots in the city of Boston (printed as Senate, No. 295) [Local Approval Received] (Senator Knapik and Representatives Lombardo of Billerica and Webster of Pembroke dissent).

By the same member, for the same committee, on a petition, a Bill allowing citizens 17 years or older to vote in the city of Lowell municipal elections (House, No. 1111) [Local Approval Received] (Senator Knapik and Representatives Lombardo of Billerica and Webster of Pembroke dissenting).

Lowell,—  
voting  
age.

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

*Reconsideration.*

Mr. O'Flaherty of Chelsea moved, there being no objection, that the vote be reconsidered by which the House, on Thursday, August 25, non-concurred with the Senate in its amendments of the House Bill establishing a sick leave bank for Debra Callinan, an employee of the Soldiers' Home in Chelsea (House, No. 3616) and, there being no objection, the motion to reconsider was considered forthwith; and it prevailed.

Debra  
Callinan,—  
sick leave  
bank.

On the recurring question the House concurred with the Senate in its amendments.

*Emergency Measures.*

The engrossed Bill establishing a sick leave bank for Debra Callinan, an employee of the Soldiers' Home in Massachusetts (see House, No. 3616, 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.

Debra  
Callinan,—  
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.

The engrossed Bill establishing a sick leave bank for Annmarie Kineavy, an employee of the Massachusetts Department of Transportation (see House, No. 3691, 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.

Anmarie  
Kineavy,—  
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 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  
Establishing a sick leave bank for Bethany M. Tsiropoulos, an employee of the Massachusetts Rehabilitation Commission (see Senate,

Bills  
enacted.

Bills enacted. No. 2002); and Establishing a sick leave bank for Caron Parker, an employee of the Department of Revenue (see Senate, No. 2003); (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  
Validating a certain vote taken by the town of Tewksbury (see Senate, No. 1909); and  
Amending the charter of the city of Malden (see Senate, No. 1923, amended);  
(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 it were signed by the acting Speaker and sent to the Senate.

*Recess.*

Recess. 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 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.

*Orders of the Day.*

Bill ordered to a third reading. The House Bill establishing expanding gaming in the Commonwealth (House, No. 3702) was ordered to a third reading.

Natick,— fire chief. The House Bill exempting the position of fire chief of the town of Natick from the provisions of the civil service law (House, No. 3508) (its title have 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 striking out all after the enacting clause and inserting in place thereof the following:

"SECTION 1. Notwithstanding chapter 8 of the acts of 1925 or any other general or special law to the contrary, the position of fire chief in the town of Natick shall be exempt from the provisions of chapter 31 of the General Laws.

SECTION 2. Section 1 shall not impair the civil service status of the person holding the position of fire chief in the town of Natick on the effective date of this act.

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

The amendment was adopted; and the bill (House, No. 3508, amended) was passed to be engrossed. Sent to the Senate for concurrence.

*Order.*

Next sitting. 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.

At seven minutes past 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 Monday at eleven o'clock A.M., in an Informal Session.

# JOURNAL OF THE HOUSE.

Wednesday, September 14, 2011.

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 Naughton of Clinton.

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

Statement of Mr. Naughton of Clinton.

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 being on military duty. My missing of roll calls for the remainder of today is due entirely to the reason stated.

### 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, Representative Vallee of Franklin is unable to be present in the House Chamber for today's sitting due to his being on active military duty. His missing of roll calls today is due entirely to the reason stated.

### Guests of the House.

During the session, the Speaker took the Chair, declared a brief recess, and introduced Madison Marcum and her mother, Stacey Lima, from Swansea. Madison's father SOCS John Wayne Marcum, a Navy SEAL, was sent to fight for our freedom in Afghanistan as part of Operation Enduring Freedom. On September 11, 2008, her dad was killed in Bagram, Afghanistan. Madison's father was part of the Naval Special Warfare Development Group, which is the same group that was responsible for finding Osama Bin Laden.

Madison Marcum and Stacey Lima.

Madison is now ten years old and a fifth grader at the Montessori School of the Angels in Westport. She devotes her time to trying to make a difference. She raises money and awareness for the American Heart Association. She is part of the Remembrance Memorial, a memorial that consists of figures made for each and every man or woman killed in Afghanistan and Iraq since September 11, 2001.

This past Memorial Day, Madison was the guest of honor in the Swansea Memorial Day parade and ceremony and was able to speak about her father.

She tries very hard to keep her dad's memory alive and talks about him to as many people as she can. She is extremely proud to call her dad an American hero. She and her mother were the guests of Representative Howitt of Seekonk and Speaker *pro tempore* Haddad of Somerset.

The Speaker then recited a poem written by Madison in honor of her father, as follows:

### MY DAD, MY HERO

*Written by: Madison Marcum*

To you, I may be quite small. You may think I do not know much at all.

But I have learned to grow up rather fast. My entire life this war has past.

My dad is a hero to all of you. A Navy SEAL brave and true. He gave his all went out to fight. Took a fall and did not make it home that night.

He is gone it makes me sad. I will admit it makes me mad. My dad is an American hero. A mighty warrior, brave and strong.

My dad is my hero, a hero I call dad.

— I love you and miss you daddy.

### Resolutions.

Mr. Donato of Medford being in the Chair,— The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed Mrs. Poirier of North Attleborough) congratulating Andrew Joseph Forte on receiving the Eagle Scout Award of the Boy Scouts of America;

Andrew Joseph Forte.

Resolutions (filed by Messrs. Kuros of Uxbridge and Fattman of Sutton) congratulating Leda Phoenix on the occasion of her one hundredth birthday; and

Leda Phoenix.

Resolutions (filed by Mr. Sullivan of Fall River) congratulating the Holy Union Sisters on the occasion of its one hundred and twenty-fifth anniversary;

Holy Union Sisters.

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

### Monthly Report.

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 August, 2011.

Unemployment Trust Fund. Petition.

### Petition.

Representative Hill of Ipswich and Senator Tarr presented a joint petition (accompanied by bill, House, No. 3710) Bradford Hill and Bruce E. Tarr (by vote of the town) for legislation to authorize the town of Hamilton to establish a Hamilton development corporation; and the same was referred to the committee on Economic Development and Emerging Technologies. Sent to the Senate for concurrence.

Hamilton,— development corporation.



*Paper from the Senate.*

Hamilton,—  
group  
insurance.

A petition (accompanied by bill, Senate, No. 2011) of Bruce E. Tarr (by vote of the town) for legislation to authorize the town of Hamilton to negotiate and purchase group insurance policies, was referred, in concurrence, to the committee on Public Service.

*Reports of Committees.*

Disabled  
persons.

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 (House, No. 62).

Financial  
stability and  
development.

By the same member, for the same committee, on a petition, a Bill to promote financial stability and asset development (House, No. 1858).

Disabled  
persons.

By the same member, for the same committee, on a petition, a Bill clarifying the investigative powers of the Disabled Persons Protection Commission (House, No. 1863).

Transitional  
assistance.

By the same member, for the same committee, on House, No. 1860, a Bill relative to the tuition of children under the control of the Department Transitional Assistance living in family shelters (House, No. 3698).

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

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 disclosure of information held by the Disabled Persons Protection Commission (House, No. 57).

Abuse,—  
reporting.

By the same member, for the same committee, on a petition, a Bill relative to the reporting of the abuse of mentally retarded persons (House, No. 80).

Haverhill,—  
election.

By Mr. Moran of Boston, for the committee on Election Laws, on a petition, a Bill authorizing the City Clerk of the city of Haverhill to arrange the names of candidates for municipal elective office by random drawing (House, No. 3705) [Local Approval Received].

Chelsea  
Creek.

By Ms. Gobi of Spencer, for the committee on Environment, Natural Resources and Agriculture, a Bill exempting certain water dependent structures from certain harbor lines in Chelsea Creek (House, No. 3690).

Elaine Strout-  
Clement,—  
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 Elaine Strout-Clement (House, No. 3704).

Braintree,—  
design and  
build  
contract.

By Mr. Kane of Holyoke, for the committee on Municipalities and Regional Government, on a petition, a Bill authorizing a design and build contract for a recreational facility in the town of Braintree (House, No. 3660) [Local Approval Received].

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

*Recess.*

At three 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 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.

Recess.

*Engrossed Bills — Land Takings.*

The engrossed Bill authorizing the town of Truro to lease certain land to the town of Provincetown (see House, No. 573) (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.

Truro,—  
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 (Mr. Mariano of Quincy being in the Chair) 149 members voted in the affirmative and 0 in the negative.

Bill enacted  
(land taking),—  
yea and nay  
No. 105.

**[See Yea and Nay No. 105 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 relocating certain harbor lines in the Fairhaven and New Bedford harbors (see House, No. 3402, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Fairhaven and  
New Bedford,—  
harbor lines.

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 being in the Chair) 148 members voted in the affirmative and 0 in the negative.

Bill enacted  
(land taking),—  
yea and nay  
No. 106.

**[See Yea and Nay No. 106 in Supplement.]**

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

*Engrossed Bills.*

Mr. Pedone of Worcester being in the Chair,—  
Engrossed bills

Authorizing the city of Westfield to convert a seasonal license for the sale of all alcoholic beverages not to be drunk on the premises to an annual license for the sale of all alcoholic beverages not to be drunk on the premises (see Senate, No. 1939) (which originated in the Senate); and

Bills  
enacted.

Relative to the acceptance of streets as public ways in the city of Woburn (see House, No. 912) (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.

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

Mr. Mariano of Quincy being in the Chair,—

The House Bill establishing expanded gaming in the Commonwealth (House, No. 3702), 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. Wagner of Chicopee.

After debate on the question on passing the bill to be engrossed, Mr. Koczera of New Bedford moved to amend it section 16, in lines 2371 to 2378, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

“(a) 2 per cent of revenues to the Massachusetts cultural council of which one-quarter of the revenues received shall be dedicated to the organization support program of the Massachusetts cultural council and three-quarters of revenues shall be dedicated to support not-for-profit or municipally-owned performing arts centers impacted as a result of the operation of gaming facilities; provided, that funding shall be appropriated through a competitive grant process to be developed and administered by the Massachusetts cultural council;”.

The amendment was rejected.

Mr. Chan of Quincy then moved to amend the bill in section 16, in lines 228 and 229 by striking out the words “‘gaming device or gaming equipment’ an electronic, electrical, or mechanical contrivance or machine used in connection with gaming or game.” and inserting in place thereof the words “‘gaming device’ means any game of chance mechanical, electronic or otherwise featuring coin drop and payout as well as printed tabulations or credits to a paper or electronic account, whereby the software or hardware of the device predetermines the presence or lack of a winning combination and payout, including microprocessor-controlled electronic devices that allow a player to play games of chance, which may be affected by an element of skill, activated by the insertion of a coin or currency or by the use of a credit and awards game credits, cash, tokens, replays or a written statement of the player’s accumulated credits, which written statements are redeemable for cash; and including slot machines, video lottery terminals and video facsimile machines of any type.

“Gaming equipment” means any tool or machines, which is not a gaming device, required to conduct gaming and is approved or licensed by the commission.”, in line 322, by inserting after the word “association.” the following paragraph:

“‘player’ person who engages in wagering at a licensed gaming establishment.”, and in line 1493 by inserting after the word “applicable.” the following paragraph:

“The commission shall establish rules and regulations regarding the use and manner of how gaming devices may accept wagers deposited by the player, how they dispense funds deposited or credited to the player, what the maximum amount of money that a gaming device can receive from a player, what is the expiration date on a ticket or voucher dispensed from an gaming device, what the manner of how a player receives his or her reimbursement from a from a ticket or voucher dispensing gaming device, how machines that can dispense cash in

Expanded  
gaming.

exchange for a ticket of voucher dispensed from an electronic gaming device; and circumstances by which a game device prize may be voided. The commission shall require a licensee to provide instructions on how a gaming device is to be played, under what conditions a prize may be voided and shall enforce any direct or indirect commitments from the licensee to the player, which shall include any form of advertising. The commission shall establish the manner in which winnings, compensation from games, and gaming devices must be compiled and reported by the commission, provided, further, electronic gaming devices shall return as winnings at a minimum 85% of all sums wagered. The commission shall establish a process by which a player may file a complaint for unfair gaming practices or complaint for non-payment of prizes of any type of game conducted by the licensee, and the commission shall record and investigate said complaints.”.

The amendments were rejected.

Representatives Dykema of Holliston and Brownsberger of Belmont then moved to amend the bill in section 16, in line 810, by inserting after the word “establishment” the following: “; provided, however that nothing contained in any such study or report shall be deemed to preclude a municipality from seeking funding approval to subsection 7 of Section 4 of this chapter for professional services to examine and or evaluate a cost, benefit or other impact described therein”.

The amendment was rejected.

Mr. McMurtry of Dedham then moved to amend the bill in section 16, in line 2371, by striking out the words “one-quarter” and inserting in place thereof the words “one-half”, and in line 2373, by striking out the words “three-quarters” and inserting in place thereof the words “one-half”.

The amendments were rejected.

Mr. Conroy of Wayland then moved to amend the bill in section 16, in line 2319, by inserting after the figures “58.” the following two sentences: “The commission shall also assess an amount equal to a CPI-adjusted growth in Massachusetts lottery funds distributed to municipalities, less the amount of gross gaming revenue dedicated to local aid in Section 59, subsections (e) and (f). The CPI-adjusted growth in Massachusetts lottery funds distributed to municipalities shall be calculated in the first year in which a licensee under this bill shall commence operation with a baseline of lottery distribution to localities equal to the average of the previous 5 years of distributed funds, and a CPI adjustment as calculated for the same year licensee operations have commenced. Such assessed fees shall be deposited into the Gaming Local Aid Fund established pursuant to section 63.”. The amendment was rejected.

Mr. Chan of Quincy then moved to amend the bill in section 16, in line 1262, by inserting after the following: “128C” the following: “and the commission shall require the gaming licensee to comply with chapter 128C as a condition of gaming licensure”, in line 1263, by inserting after the word “license” the following: “until the gaming licensee is in compliance with chapter 128C”, in line 1266, by inserting after the following: “128A” the following: “and the commission shall require the gaming licensee to comply with chapter 128A as condition of gaming licensure”, in line 1267, and also in line 1287, by

Expanded  
gaming.

inserting after the word "license", in each instance, the following: "until the gaming licensee is in compliance with chapter 128A", in line 1467, by inserting after the word "premises" the following: "and meet the requirements of chapter 128A and the commission shall require the gaming licensee to comply with Chapter 128A as a condition of gaming licensure", in line 1475, by inserting after the following: "subsection (a)" the words "and this subsection", and also in said line, by inserting after the word "license" the following: "until the gaming licensee is in compliance with this subsection and subsection (a)". The amendments were rejected.

The same member then moved to amend the bill in section 16, in lines 2289, 2290 and 2291, by striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

"(c) In addition to the tax imposed under subsection (b), should a live racing meeting licensee under chapter 128A and chapter 128C is licensed as either a category 1 or a category 2 gaming establishment, the racing meeting licensee shall pay 9 per cent their gross gaming revenues to the purse account where it is licensed as a racing meeting licensee; and provided that, any category 1 or category 2 licensed gaming establishment authorized to conducting simulcast wagering and is not a racing meeting licensee under chapter 128A and chapter 128C, shall pay 9 per cent of its gross gaming revenues to be deposited in the Massachusetts race horse development fund under section 60.", and in lines 2413 and 2414, by striking out the sentence contained in those lines and inserting in place thereof the following sentence: "The commission shall make distributions from the Race Horse Development Fund to each racing meeting licensee, which conducts live racing days under chapter 128A and chapter 128C; provided further that the commission shall establish a formula to distribute said funds as to encourage the growth of the racing industry and distribute said funds in reasonable time and manner to each racing meeting licensee's purse account."

The amendments were rejected.

Mr. Lewis of Winchester then moved to amend the bill by inserting after section 103 the following section:

"SECTION 103A. The definition of 'slot machine' in section 2 of chapter 23K of the General Laws is hereby amended by adding the following paragraph:—

All slot machines must be affixed with a sticker or label delineating 1. information regarding the programming and therefore non-randomness of slot machines, and 2. 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."

The amendment was rejected.

Mr. Conroy of Wayland then moved to amend the bill in section 16, in line 153, by inserting after the word "chapter." the following paragraph:

"(11) applicants for gaming licenses and gaming licensees shall demonstrate their commitment to supporting the right of all employees to organize, to paying all employees prevailing wages as scheduled by

the Massachusetts Division of Occupational Safety, and to offering all part time and full time employees health insurance that meets or exceeds the Massachusetts minimum creditable coverage standards, paid sick days, retirement benefit plans and on-site, subsidized child care services", in line 801, by striking out the word "employees" and inserting in place thereof the words "both full and part time employees in each functional job category, including on-site subsidized child care services and associated hourly rates for such services, health insurance rates, paid sick days and retirement benefit plans and expected owner/operator contribution levels", in line 833, by inserting after the word "hotel" the words "a child care center", in line 1020, by inserting after the word "development" (the first time it appears) the words "including collaborating with organized labor, supporting the right of employees to organize, showing their commitment to paying employees prevailing wages as scheduled by the Massachusetts Division of Occupational Safety, and committing to offering both part time and full time employees health insurance that meets or exceeds the minimum creditable coverage standards, paid sick days, retirement benefit plans and on-site, subsidized child care services", in line 1106, by inserting after the word "applicant" the following: "(v) does not have a history of collaboration with organized labor or is not currently operating a gaming facility with organized labor within its employee base; (vi) has not clearly demonstrated in its application that it shall hire employees from organized labor unions", in lines 1172 to 1175, inclusive, by striking out the clause contained in those lines and inserting in place thereof the following clause:

(4) implementing a workforce development plan to utilize the existing labor force in the Commonwealth and to offer fair wages and robust benefits, which includes:

(A) supporting the right of employees to organize;

(B) collaborating with organized labor;

(C) paying all employees prevailing wages as scheduled by the Massachusetts Division of Occupational Safety;

(D) offering all part time and full time employees health insurance that meets or exceeds the minimum creditable coverage standards;

(E) offering all part time and full time employees a robust benefits package including paid sick days, subsidized on-site childcare, retirement benefit plans and expected owner-/operator contribution levels;

(F) developing workforce training programs that serve the unemployed;

(G) estimating the number of permanent jobs and temporary construction jobs a proposed gaming establishment will generate and the mean and median wage for such jobs;

(H) making employment at the gaming establishment accessible;".

The amendments were rejected.

Mr. Atsalis of Barnstable then moved to amend the bill in section 18, in line 2671, by inserting after the word "Fund" the words "; funds to be administered by the existing workforce development system led by local Workforce Development Boards for retraining workers in contiguous counties negatively impacted by casino employment". The amendment was rejected.

Expanded  
gaming.

Mr. Chan of Quincy then moved to amend the in section 16, in line 1256, by inserting after the word "commonwealth," the following sentence: "Should the commission approve a transfer of a gaming license, the commission shall require a reasonable fee to be paid; provided that nothing in this paragraph shall be in conflict with the commission's transfer requirements under section 21, subsection (b)."

and in line 1300, by inserting after the word "establishment" the following: "; provided that nothing in this paragraph shall be in conflict with the commission's transfer requirements under section 21, subsection (b)". The amendments were rejected.

The same member then moved to amend the bill in section 16, in line 2360, by inserting after the word "services," the words "which a percentage of the funding shall be set by the commissioner targeting minority and immigrant communities,"; and the amendment was rejected.

Mr. Chan then moved to amend the bill in section 16, in lines 380 and 381, by striking out the words "The governor may remove a commission if the commissioner" and inserting in place thereof the words "The governor, the attorney general and the treasurer and receiver general may remove their own appointment to the commission if said commissioner", and in line 384, by inserting after the word "felony," the following sentence: "A commissioner appointed through the approval of 2 of the 3 appointing authorities under this section may be removed through the approval of 2 of the 3 appointing authorities; provided that said commissioner is (i) guilty of malfeasance in office; (ii) substantial neglects the duties of the commissioner; (iii) is unable to discharge the power and duties of the commissioner's office; (iv) commits gross misconduct; or (v) is convicted of a felony." The amendments were rejected.

Mr. Chan of Quincy then moved to amend the bill in section 16, in lines 205 and 206, by striking out the definition contained in those lines and inserting in place thereof the following definition:

" 'Complimentary service or item' , a service or item provided at no cost or at a reduced cost to a patron of a gaming establishment, but shall not include a service or item provided to the general public.", in lines 251 to 257, inclusive, by striking out the definition contained in those lines and inserting in place thereof the following definition:

" 'Gross revenue' or 'gross gaming revenue', the total of all sums actually received by a gaming licensee from gaming operations less the total of all sums paid out as winnings to patrons; and provided further, that 'Gross revenue' shall not include any amount received by a gaming licensee from simulcast wagering or from credit extended or collected by the gaming licensee.", and in lines 230 to 234, inclusive, by striking out the definition contained in those lines and inserting in place thereof the following definition:

" 'Gaming employee' , an employee of a gaming establishment who: (i) is directly connected to the operation or maintenance of a slot machine or game taking place in a gaming establishment; (ii) provides security in a gaming establishment; (iii) has access to a restricted area of a gaming establishment; or (iv) is so designated by the commission."

The amendments were rejected.

The same member then moved to amend the bill in section 16, in line 365, by inserting after the word "experience" the words "in the pari-mutual racing industry and". The amendment was rejected.

Representatives Dykema of Holliston and Brownsberger of Belmont then moved to amend the bill in section 16

In lines 344 to 347, inclusive, by striking out the definition contained in those lines and inserting in place thereof the following two definitions:

" 'Substantially impacted community' , a municipality, other than a host community, (i) that has residentially zoned property within 2 miles of a proposed gaming establishment; and (ii) that has been designated as such by the commission under clause 33A of section (4).

" 'Surrounding community' , a municipality, other than a substantially impacted community, that is in proximity to a host community and which the commission determines experiences or is likely to experience impacts from the development or operation of a gaming establishment, including a municipality from which the transportation infrastructure provides ready access to an existing or proposed gaming establishment."

In line 630, by inserting after the word "boundaries;" the following clause:

"(33A) Designate a municipality, other than a host community, as a substantially impacted community if requested to do so by a municipality: (i) that has residentially zoned property within 2 miles of a proposed gaming establishment and (ii) whose legislative body, subject to the charter of the municipality, has voted to request such designation. The commission shall not consider any factors other than the 2-mile requirement and the request made by the municipality."

In lines 802 to 810, inclusive, by striking out the clause contained in those lines and inserting in place thereof the following clause:

"(13) completed studies and reports as required by the commission, which shall include, but not be limited to, an examination of the proposed gaming establishment's: (i) economic benefits to the region and the commonwealth; (ii) local and regional social, environmental, traffic and infrastructure impacts; (iii) impact on the local and regional economy, including the impact on cultural institutions and on small businesses in the host community, substantially impacted communities and surrounding communities; (iv) cost to the host community, substantially impacted communities and surrounding communities and the commonwealth for the proposed gaming establishment to be located at the proposed location; and (v) the estimated municipal and state tax revenue to be generated by the gaming establishment;"

In lines 1019 to 1022, inclusive, by striking out the clause contained in those lines and inserting in place thereof the following clause:

"(6) demonstrate to the commission how the applicant proposes to address lottery mitigation, compulsive gambling problems, workforce development and community development, as well as the impact on the host community, substantially impacted communities and surrounding communities and mitigation issues as set forth in the memorandum of understanding required under this chapter;"

In lines 1023, 1024 and 1025, by striking out the clause contained in those lines and inserting in place thereof the following clause:

Expanded  
gaming.

“(7) identify the infrastructure costs of the host, substantially impacted and surrounding communities incurred in direct relation to the construction and operation of a gaming establishment and commit to a community mitigation plan for those communities;”;

In line 1031 by inserting after the word “establishment” the following clause:

“(8A) provide to the commission a signed agreement between the substantially impacted communities and the applicant setting forth the conditions to have a gaming establishment located in proximity to the substantially impacted communities; provided, however, that the agreement shall include a community impact fee for each substantially impacted community and all stipulations of responsibilities between each substantially impacted community and the applicant, including stipulations of known impacts from the development and operation of a gaming establishment;”;

In lines 1051 to 1075, inclusive, by striking out the clause contained in those lines and inserting in place thereof the following clause:

“(13) have received a certified and binding, favorable vote on a ballot question at an election in the host community, in favor of such license; have received a certified and binding, favorable vote on a ballot question at an election in each of the substantially impacted communities; provided, however that the vote shall take place after the effective date of this chapter; provided further that upon receipt of a request for an election, the governing body of the municipality shall call for the election to be held not less than 35 days but not more than 90 days from the date that the request was received; provided further, that a binding vote shall be conducted not less than 60 days after the execution of a signed agreement between the municipality and the applicant as provided in clause (8) for host communities and in clause (8A) for substantially impacted communities; provided further, that the municipality that holds an election shall be reimbursed for its expenses related to the election by the applicant; provided further, that, for purposes of this clause, if the gaming establishment is proposed to be located in a city with a population of at least 125,000 residents according to the most recent enumerated federal census, ‘host community’ shall mean the ward in which the gaming establishment is to be located for the purpose of receiving a certified and binding vote on a ballot question at an election; provided further, that, upon the signing of an agreement between the municipality and the applicant as provided for in clause (8) for host communities and in clause (8A) for substantially impacted communities, and upon the request of the applicant, the city or town clerk shall set a date certain for an election on the ballot question in the municipality; provided further, that at such election, the question submitted to the voters shall be worded as follows: ‘Shall the (city/town) of \_\_\_\_\_ permit the operation of a gaming establishment licensed by the Massachusetts Gaming Commission to be located at \_\_\_\_\_ [description of site] \_\_\_\_\_? YES \_\_\_\_\_ NO \_\_\_\_\_’; provided further, that if a majority of the votes cast in a host community in answer to the ballot question is in the affirmative, the host community shall be taken to have voted in favor of the applicant’s license; provided further, that if a proposed gaming establishment is situated in 2 or more cities or towns, the applicant shall execute an agreement

with each host community, or a joint agreement with both communities, and receive a certified and binding vote on a ballot question at an election held in each host community, in favor of such a license; provided further, that if a majority of the votes cast in a substantially impacted community in answer to the ballot question is in the affirmative, the substantially impacted community shall be taken to have voted in favor of the applicant’s license;”;

In line 1106 by inserting after the word “applicant.” the following paragraph:

“Section 16A. Prior to completing its review of the entire application and any independent evaluations, the commission shall complete any pending requests for designation as a substantially impacted community made under clause 33A of section 4. If the applicant has not included a signed agreement with each substantially impacted community in its application, the applicant shall negotiate a signed agreement with that community within 30 days and no action shall be taken on its application prior to the execution of that agreement. When necessary the commission may facilitate the negotiation of fair and reasonable agreements between the applicant and substantially impacted communities.”;

In lines 1134 to 1138, inclusive, by striking out the clause contained in those lines and inserting in place thereof the following clause:

“(c) The commission shall conduct a public hearing on the application pursuant to section 11½ of chapter 30A. An applicant for a gaming license and a municipality designated as a host, substantially impacted or surrounding community shall be given at least 30 days notice of the public hearing. The commission shall hold the public hearing within the host community; provided, however, that the host community may request that the commission hold the hearing in another city or town.”;

In lines 1167, 1168 and 1169, by striking out the clause contained in those lines and inserting in place thereof the following clause:

“(2) promoting local businesses in host, substantially impacted and surrounding communities, including developing cross-marketing strategies with local restaurants, hotels, retail outlets and impacted live entertainment venues;”;

In lines 1215 and 1216, by striking out the clause contained in those lines and inserting in place thereof the following clause:

“(14) mitigating potential impacts on host, substantially impacted and surrounding communities which might result from the development or operation of the gaming establishment;”;

In lines 1545 to 1554, inclusive, by striking out the clause contained in those lines and inserting in place thereof the following clause:

“(j) Each gaming establishment shall file an emergency response plan with the fire department and police departments of the host community and substantially impacted communities which shall include, but not be limited to: (i) a layout identifying all areas within the facility and grounds, including support systems and the internal and external access routes; (ii) the location and inventory of emergency response equipment and the contact information of the emergency response coordinator for the gaming establishment; (iii) the location of any hazardous substances and a description of any public health or safety

Expanded  
gaming.

hazards present on site; (iv) a description of any special equipment needed to respond to an emergency at the gaming establishment; (v) an evacuation plan; and (vi) any other information relating to emergency response as requested by the commission, the fire department or the police department of the host community or substantially impacted communities.”;

In lines 2210 to 2219, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

“Section 47. All political contributions or contributions in kind made by an applicant for a gaming license to a municipality or a municipal employee, as defined in section 1 of chapter 268A, of the host community or of a substantially impacted community of the applicant’s proposed gaming establishment shall be disclosed, by the applicant, to the commission and the city or town clerk of the host community or substantially impacted community, as applicable. Such disclosure shall be made by the applicant bi-annually, on or before July 15 for the period covering January 1 through June 30 of that year and on or before January 15 for the period covering July 1 through December 31 of the preceding year. The office of campaign and political finance shall promulgate regulations to provide for timely and expeditious public reporting, which shall include electronic means or public posting in a city or town hall and post office, by city and town clerks of the contribution disclosures they receive from applicants.”;

In lines 2444 to 2454, inclusive, by striking out the two paragraphs contained in those lines and inserting in place thereof the following two paragraphs:

“(b) The commission shall administer the fund and, without further appropriation, shall expend monies in the fund to assist the host community, substantially impacted communities and surrounding communities in offsetting costs related to the construction and operation of a gaming establishment including, but not limited to, communities and water and sewer districts in the vicinity of a gaming establishment, local and regional education, transportation, infrastructure, housing, environmental issues and public safety, including the office of the county district attorney, police, fire and emergency services.

(c) Parties requesting appropriations from the fund shall submit a written request for funding to the commission before February 1 of each year. The commission may hold a public hearing in the region of a gaming establishment 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; provided, however, that parties from substantially impacted communities receive at least 60 per cent of the total funds distributed to parties from surrounding communities and parties from substantially impacted communities.”;

In lines 2504 to 2577, inclusive, by striking out the six paragraphs contained in those lines and inserting in place thereof the following six paragraphs:

“Section 68. (a) There shall be a gaming policy advisory committee to consist of the governor or the governor’s designee, who shall serve as chair; the commission chair; the senate president or the

president’s designee; the speaker of the house of representatives or the speaker’s designee; the commissioner of public health or the commissioner’s designee; and 8 persons to be appointed by the governor, 3 of whom shall be representatives of gaming licensees, 1 of whom shall be a representative of a federally recognized Indian tribe in the commonwealth, 1 of whom shall be a representative of organized labor and 3 of whom shall be appointed from the vicinity of each gaming establishment, as defined by host community, substantially impacted community and surrounding community, upon determination of the licensee and site location by the commission. The committee shall designate subcommittees to examine community mitigation, compulsive gambling and gaming impacts on cultural and tourism. Members of the committee shall serve for 2 year terms. The committee shall meet at least once annually for the purpose of discussing matters of gaming policy. The recommendations of the committee concerning gaming policy made under this section are advisory and shall not be binding on the commission and board.

(b) There shall be a subcommittee on community mitigation under the gaming policy advisory committee consisting of 7 members: 1 of whom shall be appointed from the host community in region 1; 1 of whom shall be appointed from the host community in region 2; 1 of whom shall be appointed from the host community in region 3; 1 of whom shall be a representative from the department of revenue’s division of local services; 1 of whom shall be a representative of the commission; 1 of whom shall be appointed by the governor and have professional experience in community mitigation related to gaming; and 1 of whom shall be a representative from the Massachusetts municipal association. The subcommittee shall develop recommendations to be considered by the commission to address issues of community mitigation as a result of the development of gaming establishments in the commonwealth, including, but not limited to: how funds may be expended from the Community Mitigation Fund, the impact of gaming establishments on the host community, substantially impacted communities, and surrounding communities including, but not limited to, the impact on local resources as a result of new housing construction and potential necessary changes to affordable housing laws, increased education costs and curriculum changes due to population changes in the region, development and maintenance of infrastructure related to increased population and utilization in the region and public safety impacts resulting from the facility and how to address that impact. The subcommittee shall receive input from local community mitigation advisory committees. The subcommittee shall review annually the expenditure of funds from the Community Mitigation Fund and make recommendations to the commission relative to appropriate and necessary use of community mitigation funds. The commission may promulgate such regulations as advised by the subcommittee.

(c) There shall be a subcommittee on addiction services under the gaming policy advisory committee consisting of 5 members: 1 of whom shall be a representative from the department of public health’s bureau of substance abuse services; 1 of whom shall be a representative from the Massachusetts Council on Compulsive Gambling, Inc.; 1 of whom shall be a representative of the commission; and 2 of whom

Expanded  
gaming.

shall be appointed by the governor with professional experience in the area of gambling addictions. The subcommittee shall develop recommendations for regulations to be considered by the commission in addressing issues related to addiction services as a result of the development of gaming establishments in the commonwealth, including but not limited to, prevention and intervention strategies.

(d) There shall be a subcommittee on public safety under the gaming policy advisory committee consisting of 7 members: 1 of whom shall be a member of the commission; 1 of whom shall be the secretary of the executive office of public safety or the secretary's designee; 1 of whom shall be the attorney general or the attorney general's designee; 1 of whom shall be a representative from the Massachusetts District Attorneys Association; 1 of whom shall be the colonel of the state police or the colonel's designee; 1 of whom shall be a representative from the Massachusetts Chiefs of Police Association; and 1 of whom shall be a representative of a public safety labor union. The subcommittee shall develop recommendations for regulations to be considered by the commission to address public safety issues as a result of the development of gaming establishments in the commonwealth, including but not limited to, how to mitigate the impact of gaming establishments on crimes committed in the commonwealth. The subcommittee shall also study the impact of gaming establishments on all aspects of public safety in the commonwealth.

(e) Each region, as defined in section 19, may establish a local community mitigation advisory committee, which shall include not fewer than 6 members: 1 of whom shall be appointed by each of the host, substantially impacted and surrounding communities; 1 of whom shall be appointed by each regional planning agency to which at least 1 of the host or surrounding communities belongs; and 4 of whom shall be appointed by the commission, of whom at least 1 shall represent a chamber of commerce in the region, 1 shall represent a regional economic development organization in the region, and 2 shall represent human service providers in the region. Each local committee shall annually elect a chair and such other officers as it deems necessary to carry out its duties.

Each local community mitigation advisory committee may provide information and develop recommendations for the subcommittee on community mitigation on any issues related to the gaming establishment located in its region including, but not limited to: (i) issues of community mitigation; (ii) how funds may be expended from the Community Mitigation Fund; and (iii) the impact of the gaming establishments on the host, substantially impacted and surrounding communities. Additionally, each local community mitigation advisory committee may present information to the commission consistent with the rules of the commission on any issues related to the gaming establishment located in its region."; and

In lines 3177 to 3180, inclusive, by striking out the clause contained in those lines and inserting in place thereof the following clause:

"(c) The governor shall only enter into negotiations under this section with a tribe that has purchased, or entered into an agreement to purchase, a parcel of land for the proposed tribal gaming development and scheduled a vote in the host communities and a vote in any sub-

stantially impacted communities for approval of the proposed tribal gaming development."

The amendments were rejected.

Ms. Khan of Newton then moved to amend the bill in section 16, in line 1237, by inserting after the word "licenses" the following "and one of which should be 100% non-profit and monies earned will be equally distributed across Massachusetts-based non-profit charities". The amendment was rejected.

Mr. Brady of Brockton and other members of the House then moved to amend the bill by striking out section 90 and inserting in place thereof the following section:

"SECTION 90. Notwithstanding section 2 of chapter 128A of the General Laws and sections 1, 2 and 2A of chapter 128C of the General Laws or any other general or special law, rule or regulation to the contrary, the greyhound meeting licensees located in Bristol county and the greyhound meeting licensee located in Suffolk county licensed to conduct live racing pursuant to said chapter 128A in calendar year 2009 and simulcast wagering pursuant to said chapter 128C in calendar year 2011, shall not be required to apply for or receive a license under said chapter 128A in order to remain licensed as greyhound racing meeting licensees pursuant to said chapter 128C; provided, however, that the days after January 1, 2010 shall be dark days pursuant to said chapter 128C and the licensees shall continue to be precluded from conducting live racing during that period and as provided in chapter 388 of the acts of 2008; provided further, that all simulcasts shall comply with the Interstate Horse Racing Act of 1978, 15 U.S.C. Sec. 3001 et 3200 seq. or other applicable federal law; provided further, that all simulcasts from states which have racing associations that do not require approval in compliance with the Interstate Horse Racing Act of 1978, 15 U.S.C. Sec. 3004 (a) (1) (A), except simulcasts during the month of August, shall require the approval of the New England Horsemen's Benevolent and Protective Association prior to being simulcast to a racing meeting licensee within the commonwealth; and provided further, that if the association agrees to approve the simulcast for 1 racing meeting licensee, it shall approve the simulcast for all otherwise eligible racing meeting licensees."

The amendment was rejected.

Mr. Brady and other members of the House then moved to amend the bill in section 85, in lines 3091 to 3118, inclusive, by striking out the two paragraphs contained in those lines and inserting in place thereof the following paragraph:

"SECTION 85. (a) Notwithstanding any general or special law or rule or regulation to the contrary, there shall be a Racing Stabilization Fund that shall be administered by the Massachusetts Gaming Commission, hereinafter known as the commission, established pursuant to chapter 23K of the General Laws. The fund shall consist of all revenues dedicated pursuant to this act. Any balance in the fund at the end of the fiscal year shall not revert to the General Fund; provided, however, monies in the Racing Stabilization Fund shall be used to assist efforts to secure alternative employment and retraining opportunities for displaced workers impacted by the enactment of chapter 388 of the acts of 2008 including, but not limited to, coordinating the delivery

Expanded  
gaming.

of available state and federal resources and services; provided, however, that such funds from the fund shall only be expended after all federal funds from the Workforce Investment Act and the American Reinvestment and Recovery Act have been exhausted.”.

The amendment was rejected.

Mr. Brady of Brockton and other members of the House then moved to amend the bill by adding the following section:

“SECTION 110. (a) Section 2 of chapter 128C of the General Laws, as appearing in the 2008 official edition, is hereby amended by striking out, in lines 39 through 49, inclusive, the following words:

“(2) The greyhound dog racing meeting licensees located in Bristol county shall have the right to simulcast: (a) unlimited greyhound dog racing; (b) on any day of the calendar year, unlimited running horse racing from and after 6:00 p.m., plus the entire racing cards from any 2 running horse racing meetings in the state of California; and simulcasts of the Suffolk county running horse racing meetings licensee’s live races during its racing season and 2 so-called companion cards; and 4 interstate running horse simulcasts prior to 4:00 p.m. on any day the Suffolk county running horse racing meeting licensee does not conduct live races; and (c) a total of 4 harness horse racing performances on any day of the calendar year,” and inserting in place thereof the following:—

(2) The greyhound dog racing meeting licensee located in Bristol county shall have the right to simulcast on any day during the calendar year (a) unlimited interstate greyhound dog racing meetings; (b) unlimited running horse racing meetings on any day when live racing performances are not held by the running horse racing meeting licensee located in Suffolk county, and unlimited running horse racing from and after 6:00 PM on any day when live racing performances are held by the running horse racing meeting licensee located in Suffolk county; (c) simulcasts from the Suffolk county running horse racing meeting licensee’s live races performances during its racing season and 2 companion cards; and (d) a total of 4 harness horse racing performances in any day of the calendar year..

(b) Section 1 of chapter 128C of the General Laws, as so appearing, is hereby amended by inserting the following words at the end of the definition or racing meeting licensee:— and after January 1, 2010, a racing meeting licensee shall include a greyhound dog racing meeting licensee without necessity that said licensee continue to apply for or receive a license under chapter 128A after January 1, 2010.”.

The amendment was rejected.

Mr. Brady and other members of the House then moved to amend the bill by adding the following section:

“SECTION 110. Section 12A of chapter 494 of the acts of 1978, inserted by section 4 of chapter 277 of the acts of 1986, is hereby repealed.”.

The amendment was rejected.

Mr. Brady of Brockton and other members of the House then moved to amend the bill in section 16, in line 1236, by inserting after the word “establishment.” the following clause:

“(18) Avoiding the adverse environmental impact caused by replacing existing trees and vegetation with impervious surfaces.”.

The amendment was rejected.

Mr. Chan of Quincy then moved to amend the bill by striking out sections 38, 40, 105 and 108; and the amendments were rejected.

The same member then moved to amend the bill in section 16, in line 875, by inserting after the word “section.” the following sentence: “A category 1 license shall not be transferable for a minimum of 5 years from the date of issuance.”. The amendment was rejected.

Mr. Chan then moved to amend the bill in section 16, in line 1570, by inserting after the word “ areas” the words “; including areas where the licensee will lease out to a third party requiring an alcohol license;”.

In line 1584, by inserting after the word “commission,” words “; provided that no gaming beverage license shall be transferred off the premises of the licensee’s property where the gaming establishment is licensed”; and

In line 1589 by inserting after the figures “138.” the following clause:

“(h) the gaming licensee shall submit to the commission any changes to any leased property or designated alcohol consumption and selling locations on the premises for the commission’s approval. Failure of a gaming licensee to comply with this section may result in either a suspension of the gaming beverage license for time determined by the commission.”.

The amendments were rejected.

Ms. Dykema of Holliston and other members of the House then moved to amend the bill in section 16, in line 554, by inserting after the word “assistance;” the following: “In exercising its authority under this subsection, the commission shall be authorized to receive and approve applications from a municipality to provide for reasonable costs related to legal, financial and other professional services required for negotiation and execution of agreements as provided in subsection 8 and 9 of Section 15 and subsection a of Section 17, all of this Chapter, and to require that such costs be paid by the applicant, prospective applicant or other entity with which the municipality seeks to negotiate;”.

The amendment was rejected.

Mr. Chan of Quincy then moved to amend the bill in section 16, in line 571, by inserting after the word “license” the following: “; and provided that the minimum debt to equity ratio shall not be less than 4 to 1 for applicants of a category 1 license”. The amendment was rejected.

The same member then moved to amend the bill in section 16, in line 810, by inserting after the word “establishment” the words “commencing on the deadline for receipt of application for a gaming license”; and

In line 1211, by striking out the paragraph contained in that line and inserting in place thereof the following paragraph:

“(11) maximizing revenues for the commonwealth, including but not limited to gaming license fees, daily taxes on gross gaming revenue, and corporate, income, payroll and other taxes and fees commencing as the deadline for the receipt of an application for a gaming license;”.

The amendments were rejected.



Expanded  
gaming.

Mr. Kuros of Uxbridge then moved to amend the bill by adding the following section:

"SECTION 110. Notwithstanding any general or special law to the contrary, the commission shall establish regulations to ensure that prior to disbursement of cash or a prize in excess of \$600, an authorized employee of the gaming enforcement unit, established in section 70 of chapter 23K, shall review information made available by the United States Department of Homeland Security Immigration and Customs Enforcement to ascertain whether the winner of the cash or prize is lawfully residing in or visiting the United States under a current student visa, under a current employment permit or visa, or under the employment authorization of the attorney general or other federal official. If the winner of the cash or prize is found to be unlawfully residing in or visiting the United States, the gaming licensee shall not disburse to the holder any portion of the cash or prize."

The amendment was rejected.

Mr. Chan of Quincy then moved to amend the bill in section 16, in lines 1841 to 1846, inclusive, by striking out the clause contained in those lines and inserting in place thereof the following clause:

"(b) A junket representative may be an independent agent registered with the commission; provided, however, that the junket representative need not be a resident of the commonwealth. A person who holds a valid gaming employee license may act as a junket representative while employed by a gaming licensee or an affiliate. No gaming licensee shall employ or otherwise engage a junket representative who is not licensed under this chapter."

The amendment was rejected.

The same member then moved to amend the bill in section 16, in line 744, by inserting after the word "seq." the following two sentences: "The commission shall provide recommendation for legislation on permanently legalizing simulcasting at facilities without a parimutual racetrack, as defined under chapter 128A; provided that the commission shall include with the recommended legislation a report on the a structure of wager distribution, the estimated amounts of wager distribution, operational costs associated with this type of wagering, impact to the state's racing and horse breeding industries and law and regulations in other states that has legalized this type of wagering. The commission shall file said legislation and report to the House and Senate Clerks, the Joint Committee on Consumer Protection and Professional Licensure and the Joint Committee on Economic Development and Emerging Technologies on January 31, 2013."

The amendment was rejected.

Ms. Atkins of Concord and other members of the House then moved to amend the bill in section 16, in line 1399, by inserting after item the word "firms." the following clause:

"(25) require its security personnel to conduct regular checks of parking areas for minors left in motor vehicles and immediately report any such finding to the local police in the municipality where the gaming establishment is located."

After remarks the amendment was adopted.

Mr. Koczera of New Bedford then moved to amend the bill by inserting after section 5 the following section:

"SECTION 5A. Chapter 10 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after section 35QQ, as added by chapter 14 of the acts of 2011, the following section:—

Section 35RR. There shall be established and set up on the books of the commonwealth a Public Safety Building Assistance Fund for use exclusively by municipalities for the construction, expansion and rehabilitation of municipal police, fire, and emergency medical service buildings. Operation of the fund shall be administered by the state treasurer, with building grants up to 50 per cent of project costs awarded similar to the school building assistance fund program formula. The fund shall accept private contributions, publicly or privately-funded grants and funds appropriated by the state or federal government. No expenditure from the fund shall cause the fund to be in deficiency at the close of the fiscal year. Monies 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 fund shall be an expendable trust fund and shall not be subject to appropriation or allotment."; and

In section 16, in line 2463, by inserting after the word "maintenance" the following: "; provided, however, that \$20 million annually from the Fund shall be transferred to the Public Safety Building Assistance Fund, established in section 35RR of chapter 10 for use exclusively by municipalities for the construction, expansion and rehabilitation of municipal police, fire, and emergency medical service buildings. Operation of said building assistance fund shall be administered by the state Treasurer, with building grants up to 50 per cent of project costs awarded similar to the school building assistance fund program formula".

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 Mr. Winslow of Norfolk; and on the roll call 39 members voted in the affirmative and 115 in the negative.

Amendments  
rejected,—  
yea and nay  
No. 107.

**[See Ye and Nay No. 107 in Supplement.]**

Therefore the amendments were rejected.

The Speaker being in the Chair,—

Ms. Ferrante of Gloucester then moved to amend the bill in section 16, in line 1467, by inserting after the word "shall" the following: "conduct live horse racing of the same horse breed that raced at the existing facility under Chapter 128A in the year 2010 and shall". After remarks the amendment was adopted.

Mr. Mariano of Quincy being in the Chair,—

Ms. Coakley-Rivera of Springfield then moved to amend the bill in section 16, in line 2408, by striking out the figures "15" and inserting in place thereof the figures "13":

In line 2409, by striking out the word "and"; and

In line 2410, by inserting after the word "Fund" the following two paragraphs:

"(1) 1 per cent, divided equally, to the district attorney's offices of the counties where a host community of a category 1 licensee is situated; and

Expanded  
gaming.

(m) 1 per cent to the State Police.”

The amendments were rejected.

The same member then moved to amend the bill in section 16, in line 1249, by striking out the figures “15” and inserting in place thereof the figures “20”; and the amendment was rejected.

Ms. Coakley-Rivera then moved to amend the bill in section 16, in line 846, by striking out the word “may” and inserting in place thereof the word “shall”. The amendment was rejected.

Ms. Coakley-Rivera of Springfield then moved to amend the bill in section 16, in line 2409, by striking out the word “and”;

In line 2410, by inserting after the word “Fund” the following two paragraphs:

“(l) 1 per cent, divided equally, to the district attorney’s offices of the counties where a host community of a category 1 licensee is situated; and

(m) 1 per cent to the State Police.”

The amendments were rejected.

Mr. Michlewitz of Boston then moved to amend the bill in section 16, in line 798, by inserting after the figures “3,500” the following: “; provided however that in no event shall said live indoor entertainment venue exceed 10,000”. The amendment was rejected.

Mr. Walsh of Lynn then moved to amend the bill in section 91, in line 3223, by striking out the figures: “99” and inserting in place thereof the figures: “98”; and the amendment was adopted.

After remarks on the question on passing the bill, as amended, to be engrossed (the Speaker being in the Chair), Ms. Dykema of Holliston and other members of the House moved to amend it in section 16, in lines 344 to 347, inclusive, by striking out the definition contained in those lines and inserting in place thereof the following definition:

“ ‘Surrounding communities’, municipalities (a) that are located in whole or in part within two miles of the site of an existing or proposed gaming establishment; or (b) from which the transportation infrastructure provides ready access to an existing or proposed gaming establishment in proximity to a host community; or (c) that the commission determines experience or are likely to experience impacts from the development or operation of a gaming establishment.”

After debate on the question on adoption of the amendment (Mr. Mariano of Quincy being in the Chair), the sense of the House was taken by yeas and nays, at the request of Ms. Dykema; and on the roll call 51 members voted in the affirmative and 103 in the negative.

**[See Yea and Nay No. 108 in Supplement.]**

Therefore the amendment was rejected.

Representatives Provost of Somerville and Hecht of Watertown then moved to amend the bill by adding the following section:

“SECTION 110. The executive office of administration and finance shall complete a comprehensive cost/benefit analysis of expanding gaming in the Commonwealth, as established by H.3702, including the assumption that at least one regional casino will be a tribal casino operating under a tribal compact with the state, in the region where such tribal casino is most likely to be located. The analysis will be broken down by regions A, B, and C, as set out in H.3702, and will include, but not be limited to, expected revenues, including income and

Amendment  
rejected,—  
yea and nay  
No. 108.

property tax revenues, licensing fees, and regional economic development; job creation; welfare utilization; infrastructure expansion and maintenance thereof; municipal and regional mitigation compensation; state and regional oversight expenses, including additional state and regional personnel, equipment, and overtime compensation; and social mitigation, including gambling addiction services, domestic violence services and financial counseling. The executive office of administration and finance shall complete the analysis and submit the report to the senate committee on ways and means, the house committee on ways and means, and the joint committee on economic development and emerging technologies by July 1, 2012. No license for a gaming establishment shall be issued prior to the completion of the analysis. If any region is shown to be disadvantaged compared to other regions, then H.3702 will be redrafted to create economic equity among regions. Should the analysis find that net revenues from expanding gaming are insufficient for purposes of the bill’s objectives, no gaming license shall be issued.”

After debate the amendment was rejected.

Ms. Forry of Boston then moved to amend the bill in section 16, in line 2519, by striking out the figure “7” and inserting in place thereof the figure “9”; and

In line 2524, by inserting after the word “gaming” the following: “; 1 of whom shall be appointed by the governor and shall be a small business owner in a host community; 1 of whom shall be a representative from a Chamber of Commerce serving a host community”.

After remarks the amendment was adopted.

The same member then moved to amend the bill in section 16, in line 2636, by striking out the clause contained in that line and inserting in place thereof the following two clauses:

“(vii) an assessment of the impact of gambling facility development and gambling facilities on small businesses in host communities and surrounding communities, including a review of any economic harm experienced and potential solutions to mitigate associated economic harm; and

(viii) the costs of implementing chapter 23K of the General Laws; and”.

The amendment was adopted.

Mr. Sullivan of Fall River then moved to amend the bill in section 18, in line 2681, by inserting after the word “source.” the following three paragraphs:

“Section 2FFFF. 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.

Expanded  
gaming.

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.

Mr. Dempsey of Haverhill then moved (consolidated racing) to amend the bill in section 16, in line 744, by inserting after the word "seq." the following paragraph:

"The commission may grant a simulcasting license to a gaming establishment; provided, however, that a reasonable percentage, as determined by the commission, of the wagering received on in-state and out-of-state thoroughbred and harness races shall be allocated to the Race Horse Development Fund established in section 60 to support purse assistance and breeding programs [A].";

In line 1472, and also in line 1473, by striking out the following: "category 2" and inserting in place thereof, in each instance, the word "gaming"; and

By inserting after section 103 the following new section:

"SECTION 103A. Sections 4, 11, 12, 13, 37, 39 and section 7 of chapter 23K shall take effect 180 days after the effective date of this act."

Pending the question on adoption of the amendments, Mr. D'Emilia of Bridgewater moved to amend them by inserting, after the word "programs" [at "A"] the following: "; provided, however, that in granting said license to a gaming establishment, the commission shall take into consideration the impact on preexisting facilities licensed pursuant to chapters 128A and 128C".

Quorum.

Pending the question on adoption of the further amendment, Mr. Peterson of Grafton asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Mariano of Quincy), 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. 109.

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) 148 members were recorded as being in attendance.

**[See Yea and Nay No. 109 in Supplement.]**

Therefore a quorum was present.

After remarks the further amendment was adopted.

The amendments offered by Mr. Dempsey of Haverhill, as amended, then also were adopted.

Mr. Mariano of Quincy being in the Chair,—

Mr. Frost of Auburn then moved to amend the bill in section 16, in line 869, by striking out the word "region" and inserting, in place thereof the word "license";

In lines 1237 to 1248, inclusive, by striking out the subsection contained in those lines and inserting in place thereof the following subsection:

"Section 19. (a) The commission may issue not more than 3 category 1 licenses based on the applications and bids submitted to the commission.

Gaming licenses shall only be issued to applicants who are qualified under the criteria set forth in this chapter, as determined by the commission. The commission shall only issue a license if it is convinced that there is an applicant that has both met the eligibility criteria and provided convincing evidence that the applicant will provide value to the region in which the gaming establishment is proposed to be located and to the commonwealth.", and

In lines 1257 to 1273, inclusive, by striking out the four paragraph contained in those lines and inserting in place thereof the following three paragraphs:

"(d) If a category 1 license is awarded to an applicant with a simulcasting license under chapter 128C as of July 1, 2011, a condition of the gaming license shall be to maintain the simulcasting license under said chapter 128C. Upon failure to conduct simulcast wagering, the commission shall suspend the category 1 license.

(e) If a category 1 license is awarded to an applicant with live racing under chapter 128A as of July 1, 2011, a condition of the gaming license shall be to maintain and complete the annual live racing season under said chapter 128A. Upon failure to conduct live racing the commission shall suspend the category 1 license.

(f) For the purposes of subsections (e) and (f), an applicant for a gaming license shall be considered to be the holder of a license under chapter 128A or chapter 128C if the applicant: (i) owns 50.1 or more per cent of the common stock of the company which obtained a license under said chapter 128A or 128C; and (ii) is a person who owns more than 5 per cent of the common stock of the applicant company, directly or indirectly, or is an institutional investor in the gaming license."; and

In section 89, in lines 3186 to 3190, inclusive, by striking out the following: "issue a request for applications for a category 1 license in Region C pursuant to chapter 23K of the General Laws not later than October 31, 2012; provided, however, that if, at any time on or after August 1, 2012 the commission determines that the tribe will not be granted land-in-trust by the Bureau of Indian Affairs at the United States Department of the Interior, the commission shall consider bids for a category 1 license in Region C under said chapter 23K" and inserting, in place thereof the following: "issue a request for only 2 applications for a category 1 license; provided, however, that if, at any time on or after August 1, 2012 the commission determines that the tribe will not be granted land-in-trust by the Bureau of Indian Affairs at the United States Department of the Interior, the commission shall consider bids for a third category 1 license under said chapter 23K".

After remarks the amendments were rejected.

Expanded  
gaming.

Mr. Smola of Palmer then moved to amend the bill in section 16, in line 798, by striking the out the figures "1,000" and inserting in place thereof the figures "1,500". The amendment was rejected.

Mr. Swan of Springfield then moved to amend the bill in section 16, in lines 869 to 872, inclusive, by striking out the two sentences contained in those lines and inserting in place thereof the following sentence: "(d) A category 1 licensee shall pay to the commission a fee of [not less than \$85,000,000] within 30 days of the final award of the license which sets forth the conditions to be satisfied by the licensee before the gaming establishment may be opened to the public." The amendment was rejected.

Mr. Bastien of Gardner then moved to amend the bill in section 16, in lines 1240 and 1241, by striking out the two paragraphs contained in those lines and inserting in place thereof the following two paragraphs:

(1) region A: Suffolk, Middlesex, Essex and Norfolk counties;

(2) region B: Hampshire, Hampden, Franklin, Berkshire and Worcester counties; and."

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.

**[See Yeas and Nays No. 110 in Supplement.]**

Therefore the amendment was rejected.

Subsequently a statement of Ms. Fox of Boston was spread upon the records, as follows:

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.

Mr. Winslow of Norfolk then moved to amend the bill in section 101, in line 3316, by inserting after the word "laws" the following: "; provided, further, that notwithstanding any general or special law to the contrary, charitable gaming, conducted under chapter 271, shall not be prohibited from occurring at any race track, as defined by section 1 of chapter 128A". The amendment was rejected.

The same member then moved to amend the bill in section 16, in line 1076, by inserting after the word "community" the following: "; provided, however, that an equivalent amount, divided equally, shall be paid to each of the surrounding communities as defined by the commission pursuant to section 17 of chapter 23K". The amendment was rejected.

Mr. Winslow then moved to amend the bill in section 16, in line 1076, by inserting after the word "community;" the following: "; provided, however, that an equivalent amount, divided equally, shall be paid to each of the surrounding communities; provided, further, that all communities that abut a host community and have a public way that crosses a municipal border into the host community or have dwelling units within a ¼ mile radius of the gaming establishment shall be deemed surrounding communities". The amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the bill in section 16, in line 2466, by inserting after the word "source." the following sentence: "Funds shall be distributed

Amendment  
rejected,—  
yea and nay  
No. 110.

Statement of  
Ms. Fox of  
Boston.

to cities and towns in accordance with the formula used to determine the distribution of Unrestricted General Government Aid under section 3 of the general appropriations act."

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

**[See Yeas and Nays No. 111 in Supplement.]**

Therefore the amendment was adopted.

Mr. Atsalis of Barnstable then moved to amend the bill in section 89, in lines 3187, 3188 and 3189, by striking out the following: "if, at any time on or after [A] August 1, 2012 the commission determines that the tribe will not be granted land-in-trust by the Bureau of Indian Affairs at the United States Department of the Interior" and inserting in place thereof the words "upon a final and binding determination by a court of competent jurisdiction that the tribe has no rights to land-in-trust".

Pending the question on adoption of the amendment, Mr. Dempsey of Haverhill moved to amend it by striking out [at "A"] the following: "August 1, 2012 the commission determines that the tribe will not be granted land-in-trust by the Bureau of Indian Affairs at the United States Department of the Interior" and inserting in place thereof "August 1, 2012, the commission determines that the tribe will not have land placed into trust for their benefit due to a decision by the Secretary of the Department of the Interior or a court of competent jurisdiction". The further amendment was adopted.

The amendment offered by Mr. Atsalis, as amended, then also was adopted.

Mr. Fernandes of Milford then moved to amend the bill in section 16, in line 1038, by inserting after the word "establishment" the following: "; provided further that, in the event that an applicant cannot reach agreement with [A]one or more surrounding communities, such applicant shall submit for the commission's consideration a report of the full course of negotiations with such surrounding community, including the last position such applicant presented to, and was rejected by, such surrounding community. As a condition of a license grant hereunder the commission may require that an applicant fulfill the terms set forth within its last proposal to such surrounding community, or impose such reasonable additional or alternative terms as the commission deems appropriate. At the direction of the commission, the funds necessary to fulfill the terms and conditions of the agreements or commission order of mitigation shall be paid from the mitigation fund provided for in Section 61[B]".

Pending the question on adoption of the amendment, Mr. Dempsey of Haverhill moved to amend it by striking out [at "A"] the following: "one or more surrounding communities, such applicant shall submit for the commission's consideration a report of the full course of negotiations with such surrounding community, including the last position such applicant presented to, and was rejected by, such surrounding community. As a condition of a license grant hereunder the commission may require that an applicant fulfill the terms set forth within its last proposal to such surrounding community, or impose such

Amendment  
adopted,—  
yea and nay  
No. 111.

Expanded  
gaming.

reasonable additional or alternative terms as the commission deems appropriate. At the direction of the commission, the funds necessary to fulfill the terms and conditions of the agreements or commission order of mitigation shall be paid from the mitigation fund provided for in Section 61" and inserting in place thereof the words "a surrounding community, the applicant shall submit to the commission a report detailing the course of negotiations with the surrounding community, including the last offer proposed by the applicant and rejected by the surrounding community and the commission, as a condition of licensure, may require that an applicant fulfill the terms set forth in the last proposal or impose additional or alternative terms upon the applicant as the commission deems reasonable"; and by adding at the end of said amendment [at "B"] the following: "; and in lines 1116 and 1117, by striking out the words 'included a signed agreement with that community in its application' and inserting in place thereof the following:— finalized negotiations with that community in its application pursuant to section 15." The further amendments were adopted.

The amendment offered by Mr. Fernandes, as amended, then also was adopted.

Mr. Fernandes of Milford then moved to amend the bill in section 16, in line 1562, by inserting after the word "fee", the second time it appears, the words "; provided further, that a portion of said application or renewal fee in an amount equal to the annual all-alcohol-related licensing fee of the host community shall revert exclusively back to the host community." The amendment was rejected.

Mr. Cabral of New Bedford then moved to amend the bill in section 89 [A], in lines 3187 to 3190, inclusive, by striking out the following: "; provided, however, that if, at any time on or after August 1, 2012 the commission determines that the tribe will not be granted land-in-trust by the Bureau of Indian Affairs at the United States Department of the Interior, the commission shall consider bids for a category 1 license in Region C under said chapter 23K" and by adding at the end of said section the following paragraph:

"(f) Notwithstanding any general or special law or rule or regulation to the contrary, if by October 31, 2012 the tribe has not received a favorable vote in the host community; or the land the tribe has purchased or entered into an agreement to purchase in the host community, in satisfaction of the requirements contained in subsection (c), has not been accepted as tribal land in trust by the Bureau of Indian Affairs; or the tribe has not received all other federal approvals necessary to allow the land to be used for class III gaming as defined by the Indian Gaming Regulatory Act, the commission shall issue a request for applications for a category 1 license in Region C under said chapter 23K no later than November 31, 2012 and shall issue said license to a qualified applicant no later than December 31, 2012. The issuance of a request for applications pursuant to this subsection (f) shall only be reviewable by a single justice of the Suffolk County Superior Court with no further appeal and no interlocutory findings."

Messrs. Cabral of New Bedford and Koczera of New Bedford then moved that the pending amendment be amended by striking out the text of said amendment [at "A"] and inserting in place thereof the words

"by adding the following sentence:— The commission shall prepare quarterly reports on the status of a federally recognized tribe's application with the Bureau of Indian Affairs to approve any negotiated compact or place land into trust for the purposes of conducting Indian gaming pursuant to the Indian Gaming Regulatory Act. The commission shall file such reports with the clerks of the house and senate and the chairs of the joint committee on economic development and emerging technologies."

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

Mr. Frost of Auburn then moved to amend the bill by inserting after section 26, the following new section:

"[A] SECTION 26A. Section 3 of chapter 62 of the General Laws, as so appearing in the 2008 Official Edition, is hereby amended by inserting, after subparagraph (15), the following new subparagraph:—

(16) The amount as is described in section 165(d) of the Code, to the extent, if any, that that amount of such losses occurred in gaming facilities located in Massachusetts."

Mr. Frost of Auburn then moved that the pending amendment be amended by striking out the text of said amendment [at "A"] and inserting in place thereof the following:

"SECTION 26A. Notwithstanding any general or special law to the contrary, the department of revenue shall study the tax revenue loss incurred by establishing a deduction, under section 3 of chapter 62, similar to the deduction described in section 165(d) of the Code, to the extent, if any, that that amount of such losses occurred in gaming facilities located in Massachusetts. The department shall report its findings and recommendations, together with drafts of legislation necessary to carry those recommendations into effect, by filing the same with the clerks of the senate and house of representatives and with the house and senate chairs of the joint committee on revenue not later than June 30, 2012."

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

Mr. Fernandes of Milford then moved that the bill be amended in section 89 by adding the following clause:

"(f) Any compact negotiated and agreed to by the governor and an approved Indian tribe shall verify that the Indian tribe has recognized and acknowledged the financial investment or investment rights of any individual or entity which has made such investment to said tribe, its affiliates, or predecessor applicants of the tribe for the purpose of securing a gaming license for said tribe under its name or any subsidiary or affiliate since 2005."

The amendment was rejected.

Mr. Lewis of Winchester then moved to amend the bill in section 16, in line 2354, by striking out the words "Public Health Trust Fund" and inserting in place the words "Addictions Prevention and Mitigation Trust Fund"; and, in lines 2354 and 2357, by striking out the words "public health trust fund" and inserting in place thereof, in each instance, the words "addictions prevention and mitigation trust fund". The amendments were adopted.

Expanded  
gaming.

Mr. Murphy of Burlington then moved to amend the bill in section 16, in line 256, by striking out the words "or from credit extended or collected by the gaming licensee for purposes other than gaming"; and by inserting before line 258 the following sentence: "Provided further, the issuance to casino patrons or wagering by casino patrons of any promotional gaming credit shall not be considered as gross revenue or gross gaming revenue." The amendment was adopted.

Mr. Murphy of Burlington then moved to amend the bill in section 16, in line 656, by inserting after the word "surrounding" the words "including, but not limited to potential access to multi-modal means of transportation,"; and the amendment was adopted.

Messrs. Hill of Ipswich and Webster of Pembroke then move to amend the bill by inserting after section 4 the following two sections:

"SECTION 4A. Notwithstanding any special or general law to the contrary, the state lottery commission, established in section 23 of chapter 10, shall be dissolved and cease to exist, and all of its powers and responsibilities shall be transferred to the Massachusetts gaming commission, which thereafter shall have and exercise all lawful authority which is otherwise invested in the commission by way of chapter 10 and which is not inconsistent with chapter 23K.

SECTION 4B. Section AA shall take effect 180 days after the passage of this act."

The amendment was rejected.

Mr. Hill then moved to amend the bill by adding the following section: "SECTION 113. Notwithstanding any general or special law to the contrary, the Massachusetts gaming commission shall analyze and develop model legislation and regulations with respect to the restructuring and possible merger of the state lottery commission with the Massachusetts gaming commission. The commission shall report its findings and recommendations, together with drafts of legislation necessary to carry those recommendations into effect, by filing the same with the clerks of the senate and house of representatives, the house and senate chairs of the joint committee on economic development and emerging technologies, and the office of the treasurer and receiver general of the commonwealth not later than July 1, 2012."

The amendment was rejected.

Ms. O'Connell of Taunton then moved to amend the bill [A] by inserting after section 32 the following section:

"SECTION 32A. Section 39 of chapter 63 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by adding the following paragraph:

A business corporation, employing less than 50 full time employees, and located within a host community or surrounding communities, as defined by section 2 of chapter 23K, shall not be subject to subsection (b)."

Ms. O'Connell then moved that the pending amendment be amended by striking out the text of said amendment [at "A"] and inserting in place thereof the following: "in section 16, in line 1168, by inserting after the word 'restaurants,' the words 'small businesses,'"

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

Mr. Dempsey of Haverhill then moved (consolidated regulatory and crime enforcement) to amend the bill, in section 16, in line 44, by inserting after the word "unit" the following: "; provided further, that the code of ethics established in section 3 of chapter 23K shall apply to all investigators and employees of the unit.";

In line 112, by inserting after the following "chapter 23K" the following: "; provided further, that the code of ethics established in section 3 of chapter 23K shall apply to all officers and employees of the unit";

In lines 466 and 467, by striking out the following: "and (iv) employment history", and inserting in place thereof the following: "(iv) permanent residency; and (v) employment history";

In line 727, by striking out the words "and, in consultation with the commission, shall execute", and inserting in place thereof the following: "The commission, in consultation with the colonel of the state police, shall facilitate the execution of";

In line 1525, by inserting after the word "purpose", the words: "; provided, however, that this subsection shall not apply to licensed gaming vendors who operate a warehouse, showroom or sales facility within the commonwealth subject to the approval of the commission";

In line 1568, by inserting after the figures "21" the following: "; provided further, that such regulations shall include requirements relative to alcohol training certification for any employee who serves alcohol at the gaming establishment";

In line 1680, by inserting after the word "applicant", the first time it appears, the words "and place of permanent residency";

In line 2506, by inserting after the word "designee", the second time it appears, the words "the senate minority leader or the senate minority leader's designee; the house minority leader or the house minority leader's designee";

In section 86 by adding the following sentence: "Commissioners shall be appointed within 90 days of the effective date of this act; provided, however, that no person shall be allowed to serve on the commission prior to the completion of a background investigation pursuant to section 3 of chapter 23K of the General Laws."

The amendments were adopted.

Mr. Winslow of Norfolk moved to amend the bill [A] in section 16, after line 168, by inserting the following definition:

" 'Category 3 license', a license issued by the commission that permits the licensee to operate internet-based poker games subject to the regulations established by the commission and oversight of the commission."; and, by adding the following two sections:

"SECTION 113. Internet Poker Consumer Protection and Revenue Generation. [Reserved];

SECTION 114. Notwithstanding any general or special law to the contrary, the Massachusetts gaming commission shall analyze and develop model legislation and regulations with respect to the issuance and implementation of category 3 licenses, as defined in section 1 of chapter 23K. The legislation and regulations shall include the following provisions: issuance of up to 5 category 3 licenses of no more than 5 years' initial duration subject to renewal for additional terms

Expanded  
gaming.

of 5 years; requirements to ensure that poker games cannot be played by persons who reside in jurisdictions that expressly prohibit participation in internet poker or by persons under 21 years of age; requirements to ensure that all internet poker games consist of games of skill and not games of chance; requirements to ensure the integrity of the games and to prevent cheating; requirement of a rake of 10 percent from the amount of all monies wagered in each game, and require payment to the commonwealth of no less than 70% of the rake or other net proceeds to the licensee; requirements that the majority of the employees, internet servers and data storage for each licensee be located in the commonwealth; and such other provisions to ensure the integrity of internet poker and distribution of revenue consistent with the purposes of this act. The commission shall report its findings and recommendations, together with drafts of legislation necessary to carry those recommendations into effect, by filing the same with the clerks of the senate and house of representatives and with the house and senate chairs of the joint committee on economic development and emerging technologies not later than July 1, 2012.”

Mr. Winslow then moved that the pending amendments be amended by striking out the text of said amendments [at “A”] and inserting in place thereof the following: “by adding the following section:

“SECTION 110. The Massachusetts gaming commission shall, in consultation with the state lottery commission, establish a committee to analyze and develop recommendations and model legislation with respect to the issuance and implementation of internet poker licenses. The committee, in addition to members of the Massachusetts gaming commission and the state lottery commission, shall include: 2 members appointed by the speaker of the house; 1 member appointed by the minority leader of the house; 2 members appointed by the senate president; and 1 member appointed by the minority leader of the senate; provided, however, that the recommendations and model legislation shall include an analysis of applicable federal and state law. The committee shall report its findings and recommendations, together with drafts of legislation necessary to carry those recommendations into effect, by filing the same with the clerks of the senate and house of representatives and with the house and senate chairs of the joint committee on economic development and emerging technologies not later than July 31, 2012.”

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

Mr. Wong of Saugus moved to amend the bill by inserting after section 55 the following section:

“SECTION 55A. Section 7A of chapter 271 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended, by inserting at line 36, after the word ‘bazaar’, the following: ‘, except that the sponsoring organization may retain, at a reasonable fee, non-members to assist in the operation of such raffle or bazaar, including providing paid dealers and game supervisors to insure that the rules of the game are properly administered and complied with, so long as only qualified members of the sponsoring organization handle the funds collected and disbursed at the raffle or bazaar.’”

The amendment was adopted.

Mr. Bastien of Gardner then moved to amend the bill by adding the following section:

“SECTION 113. Notwithstanding any general or special law to the contrary, the commission shall, as a condition of licensure, prohibit a gaming establishment from entering into a contract with any performer or live entertainment act which restricts said performer or live entertainment act from performing in any live entertainment venue in the commonwealth for more than 15 days before or prior to the first day said performer or live entertainment act is scheduled to perform at the gaming establishment as required by the terms of said contract.

After remarks the amendment was rejected.

Pending the question on passing the bill to be engrossed, Mr. Peterson of Grafton asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Mariano of Quincy), having taken the Chair, 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 presences of a quorum; and on the roll call (the Speaker being in the Chair) 147 members were recorded as being present.

**[See Yea and Nay No. 112 in Supplement.]**

Therefore a quorum was present.

After remarks, Mr. Dempsey of Haverhill moved (consolidated licensing) to amend the bill in section 16, in line 1040 and also in line 1127, by inserting after the word “Venues” the words “or its designee”;

In line 1236, by adding the following clause:

“(18) whether the applicant has a contract with organized labor, including hospitality services, and has the support of organized labor for its application, which specifies: the number of employees to be employed at the gaming establishment, including detailed information on the pay rate and benefits for employees and contractor; the total amount of investment by the applicant in the gaming establishment and all infrastructure improvements related to the project; and completed studies and reports as required by the commission, which shall include, but are not limited to, an economic benefit study, both for the commonwealth and region; and whether the applicant has included detailed plans for assuring labor harmony during all phases of the construction, re-construction, renovation, development and operation of the gaming establishment.”

In line 1250, by adding the following sentences: “A category 1 license issued pursuant to this chapter shall be valid for an initial period of 20 years; provided, however, that after this initial period has elapsed, a renewed category 1 license issued pursuant to this chapter shall be valid for a period of 15 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. Any renewal fees shall be deposited into the Gaming Revenue Fund.”

In lines 1314, 1315 and 1316, by striking out the clause contained in those lines and inserting in place the following clause:

“(4) make, or cause to be made, capital expenditures to its gaming establishment in a minimum aggregate amount equal to the lesser of \$15 million or 3.5 per cent per year of the net gaming revenues derived from the establishment.”; and by striking out the section 28 and inserting in place thereof the following section:

Quorum.

Quorum,—  
Yea and nay  
No. 112.

Expanded gaming.

“SECTION 28. The seventh paragraph of section 2 of chapter 62B of the General Laws, as so appearing, is hereby amended by striking out the first 2 sentences and inserting in place thereof the following 2 sentences:— Every person, including the United States, the commonwealth or any other state, or any political subdivision or instrumentality of the foregoing, making any payment of lottery or wagering winnings, which are subject to tax under chapter 62 and which are subject to withholding under section 3402(q) of the Internal Revenue Code shall deduct and withhold from such payment an amount equal to 5 per cent of such payment. For the purposes of this chapter and chapter 62C, such payment of winnings shall be treated as if it were wages paid by an employer to an employee.”.

Amendments adopted,—yea and nay No. 113.

On the question on adoption of the amendments offered by Mr. Dempsey of Haverhill, the sense of the House was taken by yeas and nays at the request of Mr. Walsh of Lynn; and on the roll call 150 members voted in the affirmative and 5 in the negative.

[See Yea and Nay No. 113 in Supplement.]

Therefore the amendments were adopted.

Mr. Dempsey of Haverhill then moved (consolidated revenue) to amended the bill in section 2A by adding the following item:

“0810-1204 For the implementation and operation of the division of gaming enforcement within the office of the attorney general, established pursuant to section 11M of chapter 12, for the investigation and prosecution of criminal activity relating to legalized gaming in the commonwealth pursuant to chapter 23K ..... \$500,000”;

In section 9 by adding the following paragraph:

“The division shall submit quarterly requests to the commission for expenses associated with the operation of the division and the commission shall reimburse the division for such expenses; provided, however, that the commission shall not approve such a request if the request would exceed an annual reimbursement of \$2,000,000.”;

In section 16, in line 2383, by striking out the figures: “25” and inserting in place thereof the following figures: “20”;

In section 59 by adding the following clause:

“(1) 5 per cent to the Community Preservation Fund.”;

In line 2463, by adding after the word “maintenance”, the following: “; provided, however, that not less than 50 per cent of such expenditures shall be dedicated for the purpose of supplementing, and not offsetting, any expenditures made for the construction and reconstruction of municipal ways as described in clause (b) of the second paragraph of section 4 of chapter 6C.”;

In line 2466, by adding after the word “source”, the words: “and shall be subject to appropriation. Monies from the fund 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 and any monies so distributed shall be considered part of ‘general revenue sharing aid’ for purposes of annual aid and contribution requirements established pursuant to chapter 70 or section 3 of the annual general appropriation act.”;

In line 2470, by adding after the word “fund”, the following: “shall be subject to appropriation, provided further, that 35 per cent of funds received shall be appropriated for the purposes of higher education to supplement, and not offset, any reduction in the general appropriation act from the previous fiscal year and, provided further, that any expenditures from said fund.”;

By striking out section 91, as amended (there being no objection), and inserting in place thereof the following section:

“SECTION 91. (a) There shall be established and set up on the books of the commonwealth a Gaming Licensing Fund which shall receive all licensing fees collected from applicants in receipt of a category 1 or category 2 license under chapter 23K of the General Laws. The fund shall expire on December 31, 2015. The commission shall be the trustee of the fund and shall transfer monies in the fund as follows:

(1) 5 per cent to the Race Horse Development Fund established in section 60 of chapter 23K of the General Laws.

(2) 10 per cent to the Community Mitigation Fund established in section 61 of chapter 23K of the General Laws.

(3) 14.5 per cent to the Transportation Infrastructure and Development Fund established in section 62 of chapter 23K of the General Laws.

(4) 1.5 per cent to the Tourism Fund established in section 35J of chapter 10 of the General Laws.

(5) 5 per cent shall be remitted to the comptroller for deposit into the Local Aid Stabilization Fund, established in section 2CCCC of chapter 29 of the General Laws;

(6) 9 per cent to the Local Capital Projects Fund established in section 2EEEE of chapter 29 of the General Laws.

(7) 13 per cent to the Manufacturing Fund established in section 96.

(8) 17 per cent to the Community College Fund established in section 97.

(9) 23 per cent to the Healthcare Payment Reform Fund established in section 99.

(10) 2 per cent to the Community Preservation Fund.

(b) Upon receipt by the Massachusetts gaming commission of license fees from licensees, interim transfers and payments shall be made on a pro rata basis from the Gaming Licensing Fund as provided in clauses (1) and (2) of subsection (a); provided, however, that no transfer or payment under said clauses (1) and (2) of said subsection (a) shall occur until the fund reimburses \$20,000,000 to the Commonwealth Stabilization Fund as required by subsection (c) of section 92 of this act.”;

In section 96, line 3293, in section 97, line 3296, and also in section 98, line 3299, by inserting after the word “source”, in each instance, the words “and shall be subject to appropriation.”; and

By adding the following two sections:

“SECTION 111. Notwithstanding any general or special law, rule or regulation to the contrary for the purposes of chapter 62, gross revenue or gross gaming revenue as defined in chapter 23K of the General Laws shall be considered budgeted fund state tax revenue, regardless of the type of fund into which the revenues are deposited; provided,



Expanded  
gaming.

however, that monies received by the commonwealth as the result of a revenue sharing agreement between the commonwealth and a federally recognized tribe set forth in a negotiated compact shall not be considered budgeted fund state tax revenue.

SECTION 112. The commissioner of revenue, in consultation with the commissioner of education, and the treasurer and receiver general of the commonwealth shall report to the general court on the following matters: 1) the primary sources of current and recent funding for each major program of state assistance to the cities, towns, and school districts of the commonwealth; including, but not limited to lottery aid, unrestricted general government assistance, PILOT payments for state owned land, and major aid programs in support of local education and transportation. Where feasible, those amounts and sources of funding shall be disaggregated by city and town, 2) the net dollar relationship between distributions to cities, towns, and school districts under each of the programs reviewed and the primary sources of funding that support them, 3) the prospective cost and feasibility of establishing equitable minimum and maximum distribution targets based on criteria including, but not limited to, population, real estate values, mean income level of the municipality as compared to the state mean income level and poverty levels based on relative criteria including, but not limited to, students qualifying for free and reduced lunch programs and mean age levels of residents for each program based on the disaggregated source of funding for each program; and 4) any potential alternative sources of funding to establish such equitable minimum target aid levels; including the Gaming Local Aid Fund and the Local Aid Stabilization Fund, created under the provisions of this Act. Said report shall be filed by the commissioner of revenue with the clerks of the house and senate by July 31, 2012."

Pending the question on adoption of the amendment, Mr. Dempsey moved to amend it by adding to proposed section 112 the following paragraph:

"Prior to any distribution of gaming revenues from the Gaming Local Aid Fund and the Local Aid Stabilization Fund, the legislature shall review the report and adopt an equitable distribution program for the Gaming Local Aid Fund and Local Aid Stabilization Fund."

The further amendment was adopted.

After remarks on the question on adoption of the amendments, 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 146 members voted in the affirmative and 9 in the negative.

**[See Yeas and Nays No. 114 in Supplement.]**

Therefore the amendments, as amended, was adopted.

Mr. Boldyga of Southwick moved that the bill be amended in section 16 [A], in line 824, by inserting after the word "establishment;" the following: "and (20) a statement of intent, guaranteeing that a majority of gaming establishment's employees shall be legal residents of the commonwealth;"; in line 1227, by striking out the word "and"; and, in line 1236, by inserting after the words "establishment" the following paragraph:

"; and (18) hiring employees who are legal residents of the commonwealth".

Amendments  
adopted,—  
yea and nay  
No. 114.

Mr. Boldyga then moved that the pending amendments be amended by striking out the text of said amendments [at "A"] and inserting in place thereof the following: "in line 1172, by inserting after the word 'existing' the word 'Massachusetts'".

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

The question on passing the bill, as amended, to be engrossed, the sense of the House taken by yeas and nays, at the request of Mr. Wagner of Chicopee; and on the roll call 123 members voted in the affirmative and 32 in the negative.

Bill passed to  
be engrossed,—  
yea and nay  
No. 115.

**[See Yeas and Nays No. 115 in Supplement.]**

Therefore the bill, as amended, was passed to be engrossed. Mr. Dempsey of Haverhill moved that the vote be reconsidered and, there being no objection, the motion was considered forthwith; and it was negated. The bill (House, No. 3702, amended) then was sent to the Senate.

*Order.*

Mr. Mariano of Quincy being in the Chair,—

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. O'Day of West Boylston then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at four minutes after nine o'clock P.M. (Mr. Mariano of Quincy being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.

**JOURNAL OF THE HOUSE.**

Thursday, September 15, 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.

*Reconsideration.*

Expanded gaming.

Mr. Dempsey of Haverhill asked unanimous consent to move reconsideration a second time of the vote by which the House, at the preceding sitting, passed to be engrossed the House Bill establishing expanded gaming in the Commonwealth (House, No. 3702, amended), and, there being no objection, the motion to reconsider was entertained; and it prevailed.

The same member then moved that the vote be reconsidered by which the House adopted an amendment (offered by Mr. Atsalis of Barnstable, as amended), that the bill be amended in section 89, in lines 3187, 3188 and 3189, by striking out the following: "if, at any time on or after August 1, 2012, the commission determines that the tribe will not have land placed into trust for their benefit due to a decision by the Secretary of the Department of the Interior or a court of competent jurisdiction" [sic] and inserting in place thereof the words "upon a final and binding determination by a court of competent jurisdiction that the tribe has no rights to land-in-trust"; and the motion to reconsider prevailed.

Mr. Dempsey then moved that the vote be reconsidered by which the House had adopted a further amendment (offered by him) (striking out [at "A"] "August 1, 2012 the commission determines that the tribe will not be granted land-in-trust by the Bureau of Indian Affairs at the United States Department of the Interior" and inserting in place thereof "August 1, 2012, the commission determines that the tribe will have land placed into trust for their benefit due to a decision by the Secretary of the Department of the Interior or a court of competent jurisdiction") to the amendment (offered by Mr. Atsalis), to amend the bill in section 89, in lines 3187, 3188 and 3189, by striking out the following: "if, at any time on or after [A] August 1, 2012 the commission determines that the tribe will not be granted land-in-trust by the Bureau of Indian Affairs at the United States Department of the Interior" and inserting in place thereof the words "upon a final and binding determination by a court of competent jurisdiction that the tribe has no rights to land-in-trust". The motion to reconsider prevailed. On the recurring question the further amendment was rejected.

Mr. Dempsey of Haverhill then moved that the amendment (offered by Mr. Atsalis) be amended by striking out the [at "A"] the following: "August 1, 2012 the commission determines that the tribe will not be granted land-in-trust by the Bureau of Indian Affairs at the United States Department of the Interior" and inserting in place thereof the

following: "August 1, 2012, the commission determines that the tribe will not have land placed into trust for their benefit due to a decision by the Secretary of the Department of the Interior or a court of competent jurisdiction". The further amendment was adopted, thus precluding a vote on the amendment offered by Mr. Atsalis.

The bill then was passed to be engrossed. The bill (House, No. 3711, published as amended) then was sent to the Senate for concurrence.

*Papers from the Senate.*

The House Bill reforming alimony in the Commonwealth (House, No. 3617, 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 contain in Senate document numbered 1989, amended in section 4, in lines 196, 197 and 198, by striking out the paragraph in those lines as follows:

Alimony,— reform.

"Existing alimony awards shall be deemed general term alimony and shall not be modified upon a complaint for modification without additional material change of circumstance, unless the court finds that deviation from the durational limits is warranted." and inserting in place thereof the following paragraph:

"Existing alimony awards shall be deemed general term alimony. Existing alimony awards which exceed the durational limits established in said section 49 of said chapter 208 shall be modified upon a complain for modification without additional material change of circumstance, unless the court finds that deviation from the durational limits is warranted."

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

A petition (accompanied by bill) of Bruce E. Tarr, Bradley H. Jones, Jr., Robert L. Hedlund, Michael Knapik and other members of the General Court for legislation to promote motor vehicle safety, came from the Senate referred, under suspension of Joint Rule 12, to the committee on the Judiciary.

Motor vehicle operators,— dangerous driving.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2012) was referred, in concurrence, 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:

Petition (accompanied by bill) of James M. Cantwell and Lori A. Ehrlich for legislation to establish monitoring stations throughout a twenty mile radius of nuclear power plants. To the committee on Telecommunications, Utilities and Energy.

Nuclear plants,— monitoring.

Petition (accompanied by bill) of George T. Ross and others for legislation to categorize bath salts, so-called, as a class C substance. To the committee on the Judiciary.

Bath salts,— classification.

Attleboro,—  
September 11th  
memorial  
bridge.

Petition (accompanied by bill) of George T. Ross and others for legislation to designate a certain bridge on County Street in the city of Attleboro as the Lynn Goodchild and Shawn Nassaney September 11th memorial bridge. To the committee on Transportation.

Under suspension of the rules, on motion of Mr. Scibak of South Hadley, 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 following House bills be scheduled for consideration by the House:

Lowell,—  
voting age.

Allowing citizens 17 years or older to vote in the city of Lowell municipal elections (House, No. 1111) [Local Approval Received];

Chelsea,—  
civil service.

Relative to the order of placement of a certain person on the civil service eligibility list (House, No. 2967);

Amesbury,—  
councilors.

Relative to district councilors elected at the 2011 election in the town of Amesbury (House, No. 3620) [Local Approval Received];

Amesbury,—  
town charter.

Relative to the charter of the town of Amesbury (House, No. 3621) [Local Approval Received];

Amesbury,—  
fluoridation.

Authorizing the town of Amesbury to place a certain question relative to the fluoridation of the public water supply on the town's election ballot (House, No. 3622) [Local Approval Received];

Braintree,—  
facility.

Authorizing the design and build contract for a recreational facility in the town of Braintree (House, No. 3660) [Local Approval Received];

Abington,—  
election.

Validating the actions taken at certain elections held in the town of Abington (printed in House, No. 3664);

Chelsea  
Creek.

Exempting certain water dependent structures from certain harbor lines in Chelsea Creek (House, No. 3690);

Elaine Strout-  
Clement.

Establishing a sick leave bank for Elaine Strout-Clement (House, No. 3704); and

Haverhill,—  
elections.

Authorizing the city clerk of the city of Haverhill to arrange the names of candidates for municipal elective office by random drawing (House, No. 3705);

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.

*Orders of the Day.*

Third  
reading  
bill.

The House Bill authorizing the town of Norton to grant easements and restrictions over certain town-owned land (House, No. 3431), 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 Monday next at eleven o'clock A.M.

**JOURNAL OF THE HOUSE.**

Thursday, October 20, 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.

*Messages from the Governor.*

Milton,— liquor license.

A message from His Excellency the Governor recommending legislation relative to repealing an act authorizing the town of Milton to grant a license for the sale of all alcoholic beverages to be drunk on the premises of a certain restaurant (House, No. 3760), was filed in the office of the Clerk on Tuesday, October 18, 2011.

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

Supplemental appropriations.

A message from His Excellency the Governor submitting recommendations for making appropriations for the fiscal year 2012 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3761), was filed in the office of the Clerk on Monday, October 17, 2011.

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.

*Resolutions.*

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

Louise Furciniti.  
Barbara Poppe.

Resolutions (filed by Mr. Fernandes of Milford congratulating Louise Furciniti on the occasion of her one hundredth birthday; and

Resolutions (filed by Representatives Wolf of Cambridge and Rushing of Boston) commending Barbara Poppe on her outstanding dedication to the United States Interagency Council on Homelessness;

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.*

Acton,— water supply.

A petition (subject to Joint Rule 9) of Jennifer E. Benson (by vote of the town of Boxborough) for legislation to regulate the acquisition of ground water in said town by the Water Supply District of Acton, having been returned by the State Secretary with memorandum relative thereto), was again 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 9 be suspended. Under suspension of the rules, on motion of Mr. Kafka of Stoughton, the report was considered forthwith. Joint Rule 9 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:

By Mr. Puppolo of Springfield, a petition (subject to Joint Rule 12) of Angelo J. Puppolo, Jr., that the State Retirement Board be directed to grant creditable service to Francis C. Torcia.

Francis C. Torcia,— retirement.

By Mr. Winslow of Norfolk, a petition (subject to Joint Rule 12) of Daniel B. Winslow and others for legislation to require judicial consideration of lawful alien status for bail.

Lawful aliens,— bail.

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

*Papers from the Senate.*

The House Bill establishing expanded gaming in the Commonwealth (House, No. 3711), 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 2035.

Gaming.

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, Dempsey of Haverhill and Frost of Auburn were appointed to the committee on the part of the House. Sent to the Senate to be joined.

Conference committee.

A Bill designating a certain bridge in the city of Leominster as the Jonathan Roberge Memorial Bridge (Senate, No. 1741) (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.

Leominster,— Roberge bridge.

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

Petition (accompanied by bill, Senate, No. 2040) of Robert L. Hedlund and Garrett J. Bradley for legislation to expand the Attorney General's power of intervention. To the committee on the Judiciary.

Attorney General,— public utilities.

Petition (accompanied by bill, Senate, No. 2041) of Bruce E. Tarr, James E. Vallee, Michael R. Knapik, Cory Atkins and other members of the General Court for legislation to recognize those in military service. To the committee on Transportation.

Veterans,— registration plates.

A report of the committee on the Judiciary, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 868) of Karen E. Spilka, Sal N. DiDomenico, Stephen R. Canessa, Marc R. Pacheco and other members of the General Court for legislation to prevent unlawful and unnecessary foreclosures, and recom-

Foreclosures.

Foreclosures. mending that the same be referred to the committee on Financial Services,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, 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:

Vehicular homicide. Joint petition of Michael J. Finn and James T. Welch relative to vehicular homicide while under the influence of an intoxicating substance; and

Crime,— notification. Petition of Bradley H. Jones, Jr., and others relative to the crime of failing to notify law enforcement officials of a missing or deceased person;

Severally to the committee on the Judiciary. Petition (accompanied by bill) of F. Jay Barrows and others relative to the bundled cell phone taxation. To the committee on Revenue.

Cell phone taxation.

Foxborough,— land conveyance. Joint petition (accompanied by bill) of F. Jay Barrows and James E. Timilty for legislation to authorize the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Foxborough to said town for housing purposes. To the committee on State Administration and Regulatory Oversight.

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.

North Adams,— elections. By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill validating the acts and proceedings of the preliminary mayoral election in the city of North Adams (House, No. 3741) [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.

Subsequently, under suspension of the rules, on further motion of Mr. Kafka, 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. 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 contributions of certain employees in the town of Plymouth (Senate, No. 1346) [Local Approval Received]; and

Plymouth,— employees.

Amending the charter of the town of Holden (Senate, No. 1984) [Local Approval Received]; and

Holden,— town charter.

House bills

Relative to vacant and abandoned property in the Commonwealth (House, No. 2329);

Abandoned property.

Relative to the human resources department of the town of Arlington (House, No. 3651) [Local Approval Received]; and

Arlington,— human resources. Arlington,— revenues.

Relative top budget submissions to the town manager in the town of Arlington (House, No. 3652) [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.

By Mr. Kane of Holyoke, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to private road maintenance (House, No. 578).

Private roads,— maintenance.

By the same member, for the same committee, on a joint 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. 1841) [Local Approval Received].

Sherborn,— forest land.

By the same member, for the same committee, on a joint petition, a Bill relative to the charter of the city of Somerville (House, No. 3442) [Local Approval Received].

Somerville,— charter.

By the same member, for the same committee, on a petition, a Bill relative to town meeting warrants in the town of Templeton (House, No. 3460) [Local Approval Received].

Templeton,— town meeting.

By Mr. Scibak of South Hadley, 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. 3749).

Dinamarie McCarthy,— sick leave.

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

Orders of the Day.

Senate bills

Authorizing the town of Millbury to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (Senate, No. 2020); and Authorizing the city of Salem to convert seasonal licenses to annual licenses for the sale of all alcoholic beverages and wines and malt beverages to be drunk on the premises (Senate, No. 2031) (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 were passed to be engrossed, in concurrence.

House bills

Validating the acts and proceedings at a certain town caucus in the town of Westhampton (House, No. 3623) (its title having been changed by the committee on Bills in the Third Reading); and

Id.

Establishing a sick leave bank for Lawrence Mainville, an employee of the Massachusetts Department of Transportation (House, No. 3747);

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 Monday next at eleven o'clock A.M.

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At twenty-five minutes after eleven o'clock A.M., on motion of Mr. Smola of Palmer (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.

Wednesday, October 26, 2011.

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.

### Guests of the House.

Cathy Frontiero and Elizabeth Ciolino.

During the session, Ms. Ferrante of Gloucester took the Chair, declared a brief recess, and introduced Cathy Frontiero and Elizabeth Ciolino of Gloucester, the mother and aunt respectively, of Paul Frontiero III of Nashua, New Hampshire, who lost his life when he intervened to help two women under assault from a man with a knife. Paul Frontiero was an emergency medical technician in the city of Boston. Ms. Ferrante then read and presented to Ms. Frontiero *Resolutions of the House* (adopted this day), commending her late son for his life saving actions. They were the guests of Representatives Ferrante, Forry of Boston and Walsh of Boston.

### Statement Concerning Representative Coakley-Rivera of Springfield.

Statement concerning Ms. Coakley-Rivera of Springfield.

A statement of Mrs. Haddad of Somerset concerning Ms. Coakley-Rivera of Springfield 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 Coakley-Rivera of Springfield, is unable to be present in the House Chamber for today's sitting due to illness. Her missing of roll calls today is due entirely to the reason stated.

### Statement Concerning Representative Naughton of Clinton.

Statement concerning Mr. Naughton of Clinton.

A statement of Mr. Mariano of Quincy 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 on active military duty. His missing of roll calls today is due entirely to the reason stated.

### Statement Concerning Representative Nyman of Hanover.

Statement concerning Mrs. Nyman of Hanover.

A statement of Mrs. Haddad of Somerset concerning Mrs. Nyman of Hanover 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 Nyman of Hanover, was unable to be present in the House Chamber for today's sitting due to

the death of her father. If she had been present for the taking of ye and nay Nos. 119 to 122, inclusive; and ye and nay No. 124, she would have voted in the affirmative, in each instance. Her missing of roll calls today was due entirely to the reason stated.

### Statement Concerning Representative Spiliotis of Peabody.

A statement of Mrs. Haddad of Somerset concerning Ms. Spiliotis of Peabody was spread upon the records of the House, as follows:

Statement concerning Ms. Spiliotis of Peabody.

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 previously scheduled medical appointment. Her 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:

Resolutions (filed by Mr. Murphy of Burlington) commemorating the seventieth anniversary of the beginning of World War II and honoring all World War II veterans;

World War II.

Resolutions (filed by Representatives Harrington of Groton and Arciero of Westford) commending Matthew Ricard, James Creed, Rob Beaudette, Matt Kamfonik, Mike Robichaud, Ashley Curtin, Kayla Johnson, and Thomas Hall for their heroic act of bravery and courage on Wednesday, October 19, 2011 at Nashoba Valley Technical High School;

Nashoba Valley Technical High School.

Resolutions (filed by Ms. Ferrante of Gloucester) commending Paul Frontiero III, an emergency medical technician for his life saving actions; and

Paul Frontiero III.

Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) recognizing the dedication of the Arthur Brothers Square in the town of Natick;

Natick,—Arthur 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 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.

### Interim Report.

An interim report of the joint special committee established (under Senate order No. 9 of 2011) to make an investigation and study of a new division of the Commonwealth into Congressional districts, forty Senatorial districts, eight Councillor districts and one hundred and sixty Representative districts (House, No. 3770), was referred, under Rule 24, to the committee on Rules.

Redistricting.

### Petitions.

Petitions severally were presented and referred as follows:

By Mr. McMurtry of Dedham, a petition (accompanied by bill, House, No. 3763) of Paul McMurtry (by vote of the town) relative to a revised

Westwood,—charter.

charter for the town of Westwood; To the committee on Municipalities and Regional Government.

Malden,—  
reserve  
police.

By Representative Fallon of Malden and Senator Clark, a joint petition (accompanied by bill, House, No. 3762) of Christopher G. Fallon and others (with the approval of the mayor and city council) relative to creditable service for retirement of non-working members of the reserve police force in the city of Malden. To the committee on Public Service.  
Severally sent to the Senate for concurrence.

*Papers from the Senate.*

Gambling,—  
expansion.

The House Bill establishing expanded gaming in the Commonwealth (House, No. 3711), came from the Senate with the endorsement that said branch had insisted on its amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2015) (in which the House had non-concurred).

Committee of  
conference.

The bill bore the further endorsement that said branch had concurred with the House in appointment of a committee of conference on the disagreeing votes of the two branches; and that Senators Rosenberg, Flanagan and Ross had been joined as the committee on the part of the Senate.

Taunton,—  
land.

A Bill relative to a parcel of land in Taunton (Senate, No. 1050, amended in section 2, in line 10, by inserting after the word "years" the following: "and any lease or extension thereof shall be subject to subsections (a), (b) and (g) of section 16 of chapter 30B of the General Laws") (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.

Quincy,—  
consumer  
compensation  
fund.

A petition (accompanied by bill, Senate, No. 2043) of John F. Keenan, Bruce J. Ayers, Tackey Chan and Ronald Mariano (with the approval of the mayor and city council) for legislation to establish a consumer compensation fund, was referred, in concurrence, to the committee on Municipalities and Regional Government.

*Reports of Committees.*

Firefighters,—  
grant  
program.

By Mr. Naughton of Clinton, for the committee on Public Safety and Homeland Security, on a petition, a Bill establishing an emergency equipment grant program for firefighters (House, No. 3165).

Automatic  
sprinklers.

By the same member, for the same committee, on a petition, a Bill relative to automatic sprinklers (House, No. 3167).

Collective  
bargaining.

By Mr. Scibak of South Hadley, for the committee on Public Service, on House, Nos. 735 and 2981, a Bill to provide funding of certain collective bargaining agreements (House, No. 735).

Pension  
benefits.

By the same member, for the same committee, on a petition, a Bill relative to the limiting of certain pension benefits (House, No. 3475).

Paratroopers,—  
license  
plate.

By Mr. Straus of Mattapoisett, for the committee on Transportation, on a petition, a Bill providing for a distinctive registration plate for paratroopers (House, No. 929).

By the same member, for the same committee, on a petition, a Bill designating veterans status on driver's licenses and identification cards (House, No. 3709).

Licenses,—  
veteran  
status.

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

By Mr. Scibak of South Hadley, for the committee on Public Service, on a petition, a Bill relative to the retirement of certain employees of the Massachusetts Water Resources Authority (House, No. 2968).

Water  
Resources  
Authority,—  
retirement.  
Natick,—  
police chief.

By the same member, for the same committee, on a joint petition, a Bill regarding the duration of contract with the chief of police in the town of Natick (House, No. 3333) [Local Approval Received].

Great  
Barrington,—  
firefighters.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Great Barrington to continue the employment of fire chief, Harry Jennings, and deputy fire chief, Edward G. McCormick (House, No. 3450) [Local Approval Received].

Weston,—  
salaries.

By the same member, for the same committee, on a joint petition, a Bill relative to the regulation of salaries of employees of the town of Weston serving in the armed forces of the United States (House, No. 3463) [Local Approval Received].

Framingham,—  
Vilidnitsky  
Bridge.

By Mr. Straus of Mattapoisett, for the committee on Transportation, on a petition, a Bill designating a certain bridge in the town of Framingham as the Greg Vilidnitsky Bridge (House, No. 3572).

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

*Recess.*

At three minutes after eleven o'clock A.M., on motion of Mr. D'Emilia of Bridgewater (Mr. Donato of Medford being in the Chair), the House recessed until a quarter after one o'clock P.M.; and at twenty-seven minutes before two o'clock, the House was called to order with the Mr. Mariano of Quincy in the Chair.

Recess.

*Papers from the Senate.*

The House Bill creating a water supply system in the town of Rochester (House, No. 576), 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:

Rochester,—  
water  
supply.

"SECTION 1. (a) Notwithstanding section 39A of chapter 40 of the General Laws prohibiting a town from establishing a water supply system while its inhabitants are being served directly by a water company or water supply district, water district or fire district supplying water to its inhabitants and notwithstanding any other general or special law to the contrary, the town of Rochester may establish a water department and water supply system pursuant to said section 39A of said chapter 40.

(b) The water department and water supply system established pursuant to subsection (a) shall be managed, improved and controlled by a board of water commissioners who shall be elected as provided in section 69A of chapter 41 of the General Laws.



Rochester,—  
water  
supply.

SECTION 2. This act shall take effect upon its passage.”; and striking out the title and inserting in place thereof the following title: “An Act authorizing the town of Rochester to establish a water department and water supply system.”.

Under suspension of Rule 35, on motion of Mr. Straus of Mattapoisett, 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,—  
Max Ulin  
Skating  
Rink.

A Bill authorizing the Division of Capital Asset Management and Maintenance to lease the Max Ulin Skating Rink in the town of Milton (Senate, No. 2044) (on Senate bill No. 2039, which had been reported from the Senate committee on Ways and Means under the provisions of Senate Rule 19), 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 the matter be scheduled for consideration by the House.

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

*Reports of Committees.*

Paul J.  
Blanchette, Jr.—  
creditable  
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 the petition of Cleon H. Turner and Charles A. Murphy for legislation to authorize the State Retirement Board to grant certain creditable service to Paul J. Blanchette, Jr. Under suspension of the rules, on motion of 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 Public Service. Sent to the Senate for concurrence.

Jay  
Brinkerhoff,—  
sick leave  
bank.

By Mr. O’Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill establishing a sick bank for Jay Brinkerhoff (House, No. 3752). 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. Khan of Newton, the bill was read a second time forthwith; and it was ordered to a third reading.

*Engrossed Bills.*

*Engrossed bills*

Bills  
enacted.

Authorizing the water commissioners to act as sewer commissioners in the town of Freetown (see House, No. 1164);

Exempting certain positions in the town of Burlington from the civil service law (see House, No. 3488);

Exempting the position of fire chief of the town of Natick from the civil service law (see House, No. 3508); and

Authorizing the town of Hanover to grant an additional license for the sale of wines and malt beverages to be drunk on the premises (see House, No. 3721);

(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.

*Engrossed Bills — Land Takings.*

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to grant an easement over an access road in Upton State Forest (see House, No. 3706) (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.

Upton,—  
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. 119.

**[See Yea and Nay No. 119 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 Massachusetts Department of Transportation to acquire certain parcels of land in the town of Hopkinton (see House, No. 3341, 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.

Hopkinton,—  
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. 120.

**[See Yea and Nay No. 120 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 a design and build contract for and lease of a recreational facility in the city known as the town of Braintree (see House, No. 3660, 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.

Braintree,—  
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 148 members voted in the affirmative and 0 in the negative.

Bill enacted  
(land taking),—  
yea and nay  
No. 121.

**[See Yea and Nay No. 121 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 certain structures to be exempted from certain harbor lines in Chelsea Creek (see House, No. 3690) (which originated in the House), in respect to which the Senate had

Chelsea  
Creek,—  
land.

concurrent in adoption of the emergency preamble, was put upon its final passage.

Bill enacted (land taking),—yea and nay No. 122.

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. 122 in Supplement.]

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

Recess.

Recess.

At seventeen minutes after two o'clock P.M., on motion of Mr. Peterson of Grafton (Mr. Mariano of Quincy being in the Chair), the House recessed until a quarter before three o'clock P.M.; and at twelve minutes before three o'clock P.M., the House was called to order with the Mr. Mariano in the Chair.

Report of a Committee.

Redistricting,—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 establishing Representative districts in the General Court (printed in House, No. 3770) (for order, see House, No. 3769).

Quorum.

Pending the question on adoption of the order, Mr. Peterson of Grafton asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Mariano of Quincy), 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. 123.

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. 123 in Supplement.]

Therefore a quorum was present.

After debate the order (House, No. 3769) was adopted.

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

Nonprofits,—retirement.

The House Bill to provide retirement options for nonprofit organizations (House, No. 2411), was taken from its position in the Orders of the Day, and read a second time forthwith, under suspension of Rule 47, on motion of Mr. Bradley of Hingham.

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. 3754),— was adopted.

The substituted bill then 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, its title having been changed by said committee to read: "An Act providing retirement options for nonprofit organizations."

After debate on the question on passing the substitute bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Bradley of Hingham; and on the roll call 145 members voted in the affirmative and 7 in the negative.

Bill passed to be engrossed,—yea and nay No. 124.

[See Yea and Nay No. 124 in Supplement.]

Therefore the bill (House, No. 3754) was passed to be engrossed. Sent to the Senate for concurrence.

Orders of the Day.

Senate bills

Relative to the contributions of certain employees in the town of Plymouth (Senate, No. 1346); and

Third reading bills.

Establishing a sick leave bank for Scott Hayward, an employee of the Executive Office of Health and Human Services (Senate, No. 2038);

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

Removing the requirement notice to provide notice to the Department of Mental Health of a license granted to a guardian to sell real estate (House, No. 2263); and

Third reading bills.

Relative to the granting of club and special licenses for the sale of alcoholic beverages in the town of Weston (House, No. 3459).

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.

The House Bill establishing a sick leave bank for Dinamarie McCarthy, an employee of the Department of Children and Families (House, No. 3749), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Dinamarie McCarthy,—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."; 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. 3749, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Senate bills

Amending contract procedures in the city of Boston (Senate, No. 1054); and

Second reading bills.

Providing for the establishment of a fire department in the town of Newbury (Senate, No. 1941, amended); and

Second  
reading  
bills.

House bills

Relative to environmental performance standards for plumbing fixtures (House, No. 231, changed);

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. 3497);

Authorizing the town of Westford to issue two additional liquor licenses (House, No. 3583);

Authorizing a ballot question in the town of Arlington relative to the granting of licenses for the sale of wines and malt beverages to be drunk on the premises in theaters (House, No. 3647);

Authorizing a ballot question in the town of Arlington relative to the granting of additional licenses for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 3648); and

Further compensating the town of Rochester for water facilities (House, No. 3670);

Severally they were read a second time; and they were ordered to a third reading.

*Order.*

Next  
sitting.

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.

---

Mr. Peterson of Grafton then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty-seven minutes after three o'clock P.M. (Mr. Mariano of Quincy being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.

### JOURNAL OF THE HOUSE.

Monday, November, 14, 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).

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.

#### Changes in Joint Standing Committees.

The Minority Leader announced the following changes in joint standing committees:

Joint committees.

That Representative Harrington of Groton had been relieved of duty (at her own request) from the committee on Labor and Workforce Development and that Representative Orrall of Lakeville had been appointed to the tenth position on said committee to fill the vacancy; and

That Representative Lyons of Andover had been relieved of duty (at his own request) from the committee on State Administration and Regulatory Oversight and that Representative Orrall of Lakeville had been appointed to the tenth position on said committee to fill the vacancy.

#### Recess.

Recess.

At fourteen minutes after eleven o'clock A.M., on motion of Mr. Wong of Saugus (Mr. Kafka of Stoughton being in the Chair), the House recessed until a quarter before twelve o'clock noon; and at five minutes after twelve o'clock, the House was called to order with the Mr. Kafka in the Chair.

#### Resolutions.

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

Anne Pizer.

Resolutions (filed by Messrs. Calter of Kingston and deMacedo of Plymouth) recognizing Anne Pizer on the occasion of her retirement from Plymouth Public Schools; and

Michael Piantedosi.

Resolutions (filed by Ms. Hogan of Stow) congratulating Michael Piantedosi, on achieving the rank of Eagle Scout with 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. Wong of Saugus, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

#### Petition.

Paula Connelly,—sick leave.

Mr. Cusack of Braintree presented a petition (subject to Joint Rule 12) of Mark J. Cusack, John F. Keenan and Brian A. Joyce for legislation to establish a sick leave bank for Paula Connelly, 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. Moran 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.

#### Papers from the Senate.

A Bill relative to habitual offenders, sentencing and improving law enforcement tools (Senate, No. 2059) (on Senate bill No. 2054), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Criminal sentencing reform.

#### Bills

Relative to the Sandwich Economic Initiative Corporation (Senate, No. 1928) (on a petition) [Local Approval Received]; and

Sandwich,—economic corp.

Amending the charter of the town of Winchendon (Senate, No. 1966) (on a petition) [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.

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

Petition (accompanied by bill, Senate, No. 2062) of Marc R. Pacheco and Patricia A. Haddad (with the approval of the mayor and city council) for legislation relative to affordable housing in the city of Taunton. To the committee on Housing.

Taunton,—affordable housing.

Petition (accompanied by bill, Senate, No. 2061) of Richard T. Moore, John V. Fernandes, Bruce E. Tarr, George N. Peterson, Jr., and other members of the General Court for legislation to enhance community service. To the committee on the Judiciary.

Community service.

#### 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 amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2035) of the House Bill establishing expanded gaming in the Commonwealth (House, No. 3711), reported a Bill establishing expanded gaming in the Commonwealth (House, No. 3807). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Expanded gaming.

Mr. Kafka of Stoughton, for said committee, 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.

Mr. O'Flaherty of Chelsea, 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

Commercial exploitation of people.

Commercial exploitation of people. place thereof the text contained in Senate document numbered 1951) of the House Bill relative to the commercial exploitation of people (House, No. 3483), reported a Bill relative to the commercial exploitation of people (House, No. 3808). 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; and, under said rule, it was placed in the Orders of the Day for the next sitting, the question being on acceptance.

Child deaths,—reporting. 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 R. Miceli relative to the failure to report the death of a child. Under suspension of the rules, on motion of Mr. Moran 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.

Wilmington,—land conveyance. By Mr. Kocot of Northampton, 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 town of Wilmington (House No. 832, changed in section 1, in line 2, by striking out the following: “40I” and inserting in place thereof the following: “40H”; and, in line 7, by striking out the words “for residential use”).

Danvers,—land conveyance. By the same member, for the same committee, on a petition, a Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Danvers located along Maple Street (House, No. 847).

Needham,—land easement. By the same member, for the same committee, on a petition, a Bill relative to authorizing the town of Needham to take by eminent domain easements in land owned by the Commonwealth of Massachusetts adjacent to South Street and the Charles River for the purpose of installing utilities and to change the use of the land from open space to utility use under Article of Amendment XLIX (House, No. 2582) [Local Approval Received].

Lowell,—land conveyance. By the same member, for the same committee, on a petition, a Bill relative to the land acquisition for Hamilton Crossing (House, No. 3379, changed in section 1, in line 1, by striking out the following: “40J” and inserting in place thereof the following: “40H”).

Revere,—land conveyance. By the same member, for the same committee, on a joint petition, a Bill authorizing the conveyance of certain parcels of land in the city of Revere (House, No. 3783) [Local Approval Received].

Amherst,—land conveyance. By the same member, for the same committee, on a joint petition, a Bill authorizing the Massachusetts Department of Transportation to acquire certain parcels of land in the town of Amherst (House, No. 3792).

Severally 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 matters be scheduled for consideration by the House:

The Senate Bill relative to the administrative organization of the financial officers in the city of Malden (Senate, No. 1990); and House bills  
 Relative to private road maintenance (House, No. 578);  
 Relative to anti gang injunctions (House, No. 2848);  
 Relative to the charter of the city of Somerville (House, No. 3442);  
 Establishing Congressional districts (printed in House, No. 3798, App. A);

Malden,—financial officers.  
 Road maintenance.  
 Street gangs.  
 Somerville charter.  
 Congressional districts.

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

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill relative to co-operative banks (House, No. 1202), ought to pass with an amendment substituting therefore a bill with the same title (House, No. 3806). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Co-operative banks.

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

Senate Bill further regulating certain licenses for the sale of alcoholic beverages (Senate, No. 2033, amended); and House bills

Liquor licensing.

To promote the successful transition of students with disabilities to post-secondary education, employment, and independent living (House, No. 3720); and

Disabled,—transition.

Authorizing the release of certain land in the town of Dartmouth from the operation of an agricultural preservation restriction (House, No. 3797);

Dartmouth,—land.

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.

*Orders of the Day.*

The Senate Bill validating the actions taken at the annual town election in the town of Hampden (Senate, No. 2026), 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 town meeting warrants in the town of Templeton (House, No. 3460); and

Third reading bills.

Third  
reading  
bills.

Relative to the regulation of salaries of employees of the town of Weston serving in the armed forces of the United States (House, No. 3463);

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.*

Next  
sitting.

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.

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At eleven minutes after twelve o'clock noon, on motion of Mr. Wong of Saugus (Mr. Kafka of Stoughton being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M.

## JOURNAL OF THE HOUSE.

Tuesday, November, 15, 2011.

Met at five minutes after eleven o'clock A.M., 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.

*Statement Concerning Representative Donato of Medford.*

A statement of Mrs. Haddad of Somerset 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 business outside the Commonwealth. His missing of roll calls today is due entirely to the reason stated. Statement concerning Mr. Donato of Medford.

*Statement Concerning Representative Spiliotis of Peabody.*

A statement of Mrs. 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 her recovery from recent surgery. Her missing of roll calls today and tomorrow will be due entirely to the reason stated. Statement concerning Ms. Spiliotis of Peabody.

*Statement Concerning Representative Vallee of Franklin.*

A statement of Mrs. Haddad of Somerset concerning Mr. Vallee of Franklin 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 Vallee of Franklin, is unable to be present in the House Chamber for today's sitting due to his being on active military duty. His missing of roll calls today and tomorrow will be due entirely to the reason stated. Statement concerning Mr. Vallee of Franklin.

*Guests of the House.*

During the session, the Chair (Mr. Mariano of Quincy) introduced Dra. Berta Cabral, Mayor of Ponta Delgada on the Island of São Miguel, Azores, the leader of Regional Social Democratic Party, and Jose Andrade, a member of the Ponta Delgada city council. They were the guests of Representative Cabral of New Bedford. Mayor Berta Cabral.

*Recess.*

At ten minutes after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (Ms. Reinstein of Revere 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 Ms. Reinstein in the Chair. Recess.

*Resolutions.*

Chanukah,—  
2011. Resolutions (filed with the Clerk by Mr. Smizik of Brookline and other members of the House) commemorating the celebration of Chanukah 2011, 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.

*Papers from the Senate.*

Surgeries. Senate bills  
Regulating surgical technology (Senate, No. 2058) (on Senate bill, No. 1069);

Caterer's  
liquor  
licenses. Providing for annual caterer's licenses for the service of alcoholic beverages at private functions (Senate, No. 2063) (on Senate bill, No. 2042); and

MBTA  
collective  
bargaining. To restore collective bargaining rights for employees of the Massachusetts Bay Transportation Authority (Senate, No. 2066) (on Senate bill No. 2056);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

Jacqueline  
Enno,—  
sick leave  
bank. The Senate Bill establishing a sick leave bank for Jacqueline Enno, an employee of the Department of Developmental Services (Senate, No. 2068) (on Senate bill, No. 1972), passed to engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Maple  
Meadows  
landfill. A report of the committee on Municipalities and Regional Government, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1060) of Bruce E. Tarr for legislation to exempt the town of Wilmington from liability, 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.

Dudley,—  
sewer  
commission. A petition (accompanied by bill, Senate, No. 2060) of Richard T. Moore, Kevin J. Kuros and Peter J. Durant (by vote of the town) for legislation relative to the water and sewer commission of the town of Dudley, was referred, in concurrence, to the committee on Municipalities and Regional Government .

*Reports of Committees.*

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

Lowell,—  
land. Relative to the land acquisition for Hamilton Crossing (House, No. 3379, changed);

Revere,—  
land. Authorizing the conveyance of certain parcels of land in the city of Revere (House, No. 3783) [Local Approval Received]; and

Authorizing the Massachusetts Department of Transportation to acquire certain parcels of land in the town of Amherst (House, No. 3792);

Amherst,—  
land.

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.

Mr. Dempsey of Haverhill, for the committee on Ways and Means, on the Senate Bill relative to habitual offenders, sentencing and improving law enforcement tools (Senate, No. 2059), reported, in part, a Bill relative to habitual offenders, sentencing and improving law enforcement tools (House, No. 3811) [Representative Swan dissenting]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Habitual  
offenders.

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. Dempsey of Haverhill, the bill was read a second time forthwith; and it was ordered to a third reading.

*Emergency Measure.*

The engrossed Bill establishing a sick leave bank for Kevin R. Byrne, Sr., an employee of the Trial Court (see House, No. 3586), 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.

Kevin R.  
Byrne, 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 25 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 validating the actions taken at the annual town election in the town of Hampden (see Senate, No. 2026) (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.

*Recess.*

At ten minutes before one o'clock P.M., on motion of Mr. Jones of North Reading (Ms. Reinstein of Revere being in the Chair), the House recessed until the hour of one o'clock; and at twenty-seven minutes before two o'clock, the House was called to order with Mr. Kafka of Stoughton in the Chair.

Recess.



*Quorum.*

Quorum. Mr. Pedone of Worcester thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Kafka), 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. 143. Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 141 members were recorded as being in attendance.

**[See Yea and Nay No. 143 in Supplement.]**

Therefore a quorum was present.

Subsequently a statement of Ms. Ehrlich of Marblehead was spread upon the records as follows:

Statement of Ms. Ehrlich of Marblehead. MR. SPEAKER: I would like to call to the attention of the House the fact that, due to a malfunction of the roll call notification system, during the previous quorum roll call I was absent from the House Chamber on official business in another part of the State House, and therefore was not recorded as being present. My missing of the quorum roll call was due entirely to the reason stated.

Subsequently a statement of Mr. Henriquez of Boston was spread upon the records as follows:

Statement of Mr. Henriquez of Boston. MR. SPEAKER: I would like to call to the attention of the House the fact that, due to a malfunction of the roll call notification system, during the previous quorum roll call I was absent from the House Chamber on official business in another part of the State House, and therefore was not recorded as being present. My missing of the quorum roll call was due entirely to the reason stated.

Subsequently a statement of Mr. Holmes of Boston was spread upon the records as follows:

Statement of Mr. Holmes of Boston. MR. SPEAKER: I would like to call to the attention of the House the fact that, due to a malfunction of the roll call notification system, during the previous quorum roll call I was absent from the House Chamber on official business in another part of the State House, and therefore was not recorded as being present. My missing of the quorum roll call was due entirely to the reason stated.

Subsequently a statement of Mr. Lawn of Watertown was spread upon the records as follows:

Statement of Mr. Lawn of Watertown. MR. SPEAKER: I would like to call to the attention of the House the fact that, due to a malfunction of the roll call notification system, during the previous quorum roll call I was absent from the House Chamber on official business in another part of the State House, and therefore was not recorded as being present. My missing of the quorum roll call was due entirely to the reason stated.

Subsequently a statement of Mr. Schmid of Westport was spread upon the records as follows:

Statement of Mr. Schmid of Westport. MR. SPEAKER: I would like to call to the attention of the House the fact that, due to a malfunction of the roll call notification system, during the previous quorum roll call I was absent from the House Chamber on official business in another part of the State House, and therefore was not recorded as being present. My missing of the quorum roll call was due entirely to the reason stated.

*Papers from the Senate.*

The House Bill establishing a sick leave bank for Shaun T. Sawyer, an employee of the Department of Developmental Services (House, No. 3701, amended), came from the Senate passed to be engrossed, in concurrence, with amendments, in line 2 and also in line 4, striking out the name "Shaun" and inserting the name "Saun"; and striking out the title and inserting in the following title: "An Act establishing a sick leave bank for Saun T. Sawyer, an employee of the Department of Developmental Services."

Saun T. Sawyer,—sick leave bank.

Under suspension of Rule 35, on motion of Mr. Calter of Kingston, 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.

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

Petition (accompanied by bill, Senate, No. 2070) of Richard T. Moore for legislation to establish a sick leave bank for LouAnn Laliberte, an employee of the Department of Transitional Assistance. To the committee on Public Service.

LouAnn Laliberte,—sick leave.

Petition (accompanied by bill, Senate, No. 2069) of Richard T. Moore for legislation to designate "Me and Paul Revere" as the revolutionary song of the Commonwealth. To the committee on State Administration and Regulatory Oversight.

"Me and Paul Revere"—revolutionary song.

*Emergency Measure.*

The engrossed Bill establishing a sick leave bank for Saun T. Sawyer, an employee of the Department of Developmental Services (see House, No. 3701, 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.

Saun T. Sawyer,—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 37 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.*

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment of the House Bill establishing expanded gaming in the Commonwealth (House, No. 3711) (for report, see House, No. 3807), was considered, under suspension of Rule 47, on motion of Mr. Wagner of Chicopee.

Expanded gaming.

After debate on the question on acceptance of the report (the Speaker being in the Chair), the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 121 members voted in the affirmative and 33 in the negative.

Conference committee report accepted,—yea and nay No. 144.

**[See Yea and Nay No. 144 in Supplement.]**

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

Commercial exploitation of people.

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment of the House Bill relative to the commercial exploitation of people (House, No. 3483) (for report, see House, No. 3808) was considered, under suspension of Rule 47, on motion of Mr. O'Flaherty of Chelsea.

Conference committee report accepted,—yea and nay No. 145.

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

[See Yea and Nay No. 145 in Supplement.]

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

Paper from the Senate.

Pension reform.

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the House amendment of the Senate Bill providing for additional pension reform and benefits modernization (Senate, No. 2018, amended) (for report, see Senate, No. 2065), came from the Senate with the endorsement that it had been accepted by said branch.

Under suspension of the rules, on motion of Mr. Scibak of South Hadley, the report was considered forthwith.

Quorum.

Pending the question on accepting the report, in concurrence, Mr. Jones of North Reading 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 roll call,—yea and nay No. 146.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call (Mr. Mariano of Quincy being in the Chair) 150 members were recorded as being in attendance.

[See Yea and Nay No. 146 in Supplement.]

Therefore a quorum was present.

Conference committee report accepted,—yea and nay No. 147.

After debate on the question on acceptance of the report, in concurrence (the Speaker being in the Chair), the sense of the House was taken by yeas and nays, at the request of Mr. Scibak of South Hadley; and on the roll call (Mr. Mariano of Quincy being in the Chair) 152 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 147 in Supplement.]

[Messrs. Garballey of Arlington and O'Day of West Boylston answered "Present" in response to their names.]

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

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

Congressional districts.

The House Bill establishing Congressional districts (printed in House, No. 3798, Appendix A), was read a second time, under suspension of Rule 47, on motion of Mr. Moran of Boston; and it was ordered to a third reading.

Subsequently (Mr. Pedone of Worcester being in the Chair), under suspension of the rules, on further motion of Mr. Moran, 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. Peterson of Grafton asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Pedone), 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 roll call,—yea and nay No. 148.

[See Yea and Nay No. 148 in Supplement.]

Therefore a quorum was present.

After debate on the question on passing the bill to be engrossed, Ms. Malia of Boston moved to amend it in section 1, in line 63, by striking out the following: "wards 1 and 2" and inserting in place thereof the following: "ward 1", in lines 64 and 65, by striking out the following: "precincts 1, 2, 3, 4, 5, 6, 7 and 8 of ward 11, ward 12" and inserting in place thereof the following: "wards 11 and 12", in lines 65 and 66, by striking out the following: "precincts 7, 10, 11, 12 and 13 of", in line 75, by inserting after the words "all in the county of Plymouth; and" the following "ward 2," in line 77, by striking out the following: "precincts 9 and 10 of ward 11,"; and, in line 78, by striking out the following: "and precincts 1, 2, 3, 4, 5, 6, 8, and 9 of ward 19,"; and by inserting after section 9 the following section:

"SECTION 9A. Notwithstanding any general or special law to the contrary, for the purpose of electing representatives in the Congress of the United States and delegates and alternate delegates to the national conventions of political parties as provided in section 1, the state secretary shall direct the board of selectmen of the town of Milton to include census blocks 250214161011004, 250214161011008, 250214161011009, 250214161011010, 250214161011011, 250214161011012, 250214161011014, 250214161011015, 250214161011018, 250214161014014, 250214161014015 and 250214161021026 in precinct 5 of the town of Milton."

The amendments were rejected.

Mr. Jones of North Reading 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:

"First Congressional District — Consisting of the cities and towns in the county of Berkshire; and Ashfield, Buckland, Charlemont, Conway, Deerfield, Greenfield, Hawley, Heath, Monroe, census block 250110407022122 of Precinct 6 of Montague, Rowe, Shelburne and Whately, all in the county of Franklin; and Agawam, Blandford, Chester, Chicopee, East Longmeadow, Granville, Holyoke, Longmeadow, Ludlow, Montgomery, Russell, Southwick, Springfield, Tolland, West Springfield, Westfield, Wilbraham, all in the county of Hampden; and Amherst, Chesterfield, Cummington, Easthampton, Goshen, Granby, Hadley, Hatfield, Huntington, Middlefield, Northampton, Plainfield, South Hadley, Southampton, Westhampton, Williamsburg, Worthington, all in the County of Hampshire.

Second Congressional District — Consisting of the towns of Bernardston, Colrain, Erving, Gill, Leverett, Leyden, precincts 1, 2, 3, 4, 5, and census blocks 250110407011000, 250110407011006, 250110407011007, 250110407011008, 250110407011009, 250110407011010, 250110407011011, 250110407011012,

Congressional districts.

250110407011013, 250110407011014, 250110407011015,  
 250110407011016, 250110407011017, 250110407011018,  
 250110407011019, 250110407011020, 250110407011021,  
 250110407011022, 250110407011023, 250110407011024,  
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 250110407022075, 250110407022076, 250110407022077,  
 250110407022078, 250110407022079, 250110407022080 and  
 250110407022124 of precinct 6 of Montague, New Salem, Northfield,  
 Orange, Shutesbury, Sunderland, Warwick, Wendell in the county of  
 Franklin; and Brimfield, Hampden, Holland, Monson, Palmer, and  
 Wales all in the county of Hampden; and Belchertown, Pelham and  
 Ware, all in the county of Hampshire; and Ashby in the county of Mid-  
 dlesex; and census block 250214431023010 of the town of Bellingham  
 in the county of Norfolk; and Ashburnham, Athol, Auburn, Barre,  
 Blackstone, Boylston, Brookfield, Charlton, Douglas, Dudley, East  
 Brookfield, Gardner, Grafton, Hardwick, Holden, Hubbardston,  
 Leicester, Mendon, Millbury, Millville, New Braintree, North Brook-  
 field, Northborough, Northbridge, Oakham, Oxford, Paxton, Peter-  
 sham, Phillipston, Princeton, Royalston, Rutland, Shrewsbury,  
 Southbridge, Spencer, Sterling, Sturbridge, Sutton, Templeton, Upton,  
 Uxbridge, Warren, Webster, West Boylston, West Brookfield, West-  
 borough, Westminster, Winchendon, Worcester, all in the county of  
 Worcester.

*Third Congressional District* — Consisting of precincts 1, 2, 3, 4,  
 5, 6 and census blocks 250092543011022, 250092543011027,  
 250092543011028, 250092543011029, 250092543011030,  
 250092543011031, 250092543011032, 250092543011033,  
 250092543011068, 250092543011069, 250092543011070,  
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 250092543022030 and 250092543022032 of precinct 7, and census  
 blocks 250092542003005, 250092542003010, 250092542003011,  
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 250092544031029, 250092544031030, 250092544031031,  
 250092544031032, 250092544032020 and 250092544032024  
 of precinct 9 of Andover, and the towns of Haverhill, Lawrence, and  
 Methuen all in the county of Essex; and Acton, Ayer, Boxborough,  
 Carlisle, Chemsford, Concord, Dracut, Dunstable, Groton, Hudson,

Congressional districts.

Littleton, Lowell, Marlborough, Maynard, Pepperell, Shirley, Stow, precinct 1 and census blocks 250173651002013, 250173651002014, 250173651002015, 250173651002016, 250173651002018, 250173651002019, 250173651002020, 250173651002021, 250173651002022, 250173651002025, 250173651002026, 250173651002027, 250173651003017, 250173651003018, 250173651003019, 250173651003020, 250173651003021, 250173651003022, 250173651003023, 250173651003024, 250173651003025, 250173651003026, 250173651003027, 250173651003028, 250173651003029, 250173651003030, 250173651003031, 250173651003032, 250173651003033, 250173651003034, 250173651003035, 250173651003036, 250173651003037, 250173651003038, 250173651003039, 250173651003040, 250173651003041, 250173651003042, 250173651003043, 250173651003044, 250173651003045, 250173651003046, 250173651003047, 250173651003048, 250173651003049, 250173651003050, 250173651003051, 250173651003052, 250173651003053, 250173651003054, 250173651003055, 250173651003056, 250173651003057, 250173651003058, 250173651003059, 250173651003060, 250173651003061, 250173651003062, 250173651003063, 250173652011007, 250173652013000, 250173652013001, 250173652013002, 250173652013003, 250173652013004, 250173652013005, 250173652013006, 250173652013007, 250173652013008, 250173652013009, 250173652013010, 250173652013011, 250173652013012, 250173652013013, 250173652013014, 250173652013015, 250173652013016, 250173652013017, 250173652013018, 250173652013019, 250173652013025, 250173652014004, 250173652014007, 250173652014015, 250173652014016, 250173652014017 of Precinct 5 of Sudbury, Townsend, Tyngsborough, and Westford all in the county of Middlesex; and Berlin, Bolton, Clinton, Fitchburg, Harvard, Lancaster, Leominster and Lunenburg all in the county of Worcester.

*Fourth Congressional District* — Consisting of the towns of Attleboro, Berkley, Dighton, Easton, Mansfield, North Attleborough, Norton, Raynham, Rehoboth, Seekonk, Somerset, Swansea and Taunton, all in the county of Bristol; and Hopkinton and Newton in the county of Middlesex; and precincts 1, 2, 3, and census blocks 250214431022003, 250214431022004, 250214431022005, 250214431022006, 250214431022007, 250214431022008, 250214431022009, 250214431022011, 250214431022012, 250214431022013, 250214431022014, 250214431022015, 250214431022016, 250214431022017, 250214431022018, 250214431022019, 250214431022020, 250214431022022, 250214431023000, 250214431023001, 250214431023002, 250214431023003, 250214431023004, 250214431023005, 250214431023006, 250214431023007, 250214431023008, 250214431023009, 250214431023011, 250214431023012, 250214431023013, 250214431023014, 250214431023015, 250214431023016, 250214431023017, 250214431024000, 250214431024002, 250214431024003, 250214431024004, 250214431024005, 250214431024006, 250214431024007, 250214431024008,

250214431024015, 250214431024016, 250214431024020, 250214431024021, 250214431024022, 250214431024040, 250214431024041, 250214431024042, 250214431024045 and 250214431024046 of precinct 4 in Bellingham, Brookline, Dover, Foxborough, Franklin, Medfield, Medway, Millis, Needham, Norfolk, precincts 1, 2, 3, 4, 5, 6, 7, census blocks 250214131004001, 250214131004002, 250214131004003, 250214131004005, 250214131004006, 250214131004007, 250214131004008, 250214131004009, 250214131004016, 250214131004017, 250214131004020, 250214132001010, 250214132003000, 250214132003001, 250214132003005, 250214132003006, 250214132003007, 250214132003008, 250214132003009, 250214132003010, 250214132003011, 250214132003012, 250214132003013, 250214132003014, 250214132003015, 250214132004000, 250214132004001, 250214132004002, 250214132004005, 250214132004006, 250214132004007, 250214132004008, 250214132004009, 250214132004010, 250214132004011, 250214132004012, 250214132004013, 250214132004014, 250214132004015, 250214132004016, 250214132004017, 250214132004018, 250214132004019, 250214132004020, 250214132004021, 250214132004022, 250214132004023, 250214132004024, 250214132004025, 250214132004026, 250214132004027, 250214132004028, 250214132004029, 250214132004030, 250214132004031, 250214132004032, 250214132004033 of precinct 8 and census blocks 250214131001014, 250214131003000, 250214131003002, 250214131003003, 250214131003004, 250214131003009, 250214131003010, 250214131003011, 250214131003015, 250214131003016, 250214131003017, 250214135001000, 250214135001001, 250214135001003, 250214135001006, 250214135001007, 250214135001009, 250214135001011 and 250214135001029 of precinct 9 of Norwood, Plainville, Sharon, Walpole, census blocks 250214043012000, 250214043012001, 250214043012005, 250214043012007, 250214043012008, 250214043012009, 250214043012010, 250214043012011, 250214043012013, 250214043012014, 250214043021007, 250214043021008, 250214043021009, 250214043021010, 250214043021011, 250214043021012, 250214043021013, 250214043021018, 250214043021019, 250214043021020, 250214043021021, 250214043021022, 250214043021023, 250214043021024, 250214043021025, 250214043021026, 250214043021027, 250214043022000, 250214043022001, 250214043022002, 250214043022003, 250214043022004, 250214043022005, 250214043022006, 250214043022007, 250214043022008, 250214043022009, 250214043022010, 250214043023000, 250214043023001, 250214043023002, 250214043023003, 250214043023004, 250214043023005, 250214043023006, 250214043023007, 250214043023008, 250214043023009, 250214043023010, 250214043023011, 250214043023012, 250214043023013, 250214043023014, 250214043023015, 250214043023016, 250214043023017, 250214043023018, 250214043023019, 250214043023020,

Congressional districts.

250214043023021, 250214043023022, 250214043023023, 250214043023024, 250214043023025, 250214043023026, 250214043023027, 250214043023028, 250214043023029, 250214043023030, 250214043023031, 250214043023032, 250214044005001, 250214044005002, 250214044005003 and 250214044005022 of precinct B, precinct C, D, E, F, G and H of Wellesley and Wrentham of the county of Norfolk; and Hopedale and Milford in the county of Worcester.

Fifth Congressional District — Consisting of Arlington, Ashland, Belmont, ward 10 precinct 1, ward 10 precinct 2, census blocks 250173527002003, 250173527002004, 250173527002005, 250173527002006, 250173527002007, 250173528001002, 250173528002002, 250173528002004, 250173528002005, 250173530002001 of ward 3 precinct 2, ward 4 precinct 2, ward 4 precinct 3, ward 6 precinct 1, ward 6 precinct 2, ward 6 precinct 3, ward 7 precinct 1, ward 7 precinct 2, ward 7 precinct 3, ward 8 precinct 1, ward 8 precinct 2, ward 8 precinct 3, ward 9 precinct 1, ward 9 precinct 2, and ward 9 precinct 3 in the city of Cambridge, Framingham, Holliston, Lexington, Lincoln, Malden, Medford, Melrose, Natick, Sherborn, Stoneham, precincts 2, 3, 4, and census blocks 250173651002017, 250173651002023, 250173651002024, 250173652011006, 250173652011008, 250173652011009, 250173652014000, 250173652014001, 250173652014002, 250173652014003, 250173652014005, 250173652014006, 250173652014008, 250173652014009, 250173652014010, 250173652014011, 250173652014013, 250173652014018, 250173652014025 in precinct 5 of Sudbury, Waltham, Watertown, Wayland, Weston, Winchester and Woburn in the county of Middlesex; and precinct A and census blocks 250214043012002, 250214043012003, 250214043012004, 250214043012006, 250214043012012 and 250214043012015 of precinct B in Wellesley in the county of Norfolk; and Revere and Winthrop in the county of Suffolk; and Southborough in the county of Worcester.

Sixth Congressional District — Consisting of the cities and towns of Amesbury, and precincts 1, census blocks 250092543012024, 250092543022012, 250092543022013, 250092543022014, 250092543022015, 250092543022016, 250092543022017, 250092543022022, 250092543022023, 250092543022024, 250092543022025, 250092543022026, 250092543022027, 250092543022028, 250092543022029, 250092543022030, 250092543022031, 250092543022032, 250092543022033, 250092543022034, 250092543022035, 250092543023013, 250092543023014, 250092543023015 of precinct 7, and precinct 8 of the town of Andover, Beverly, Boxford, Danvers, Essex, Georgetown, Gloucester, Groveland, Hamilton, Ipswich, Lynn, Lynnfield, Manchester-by-the-Sea, Marblehead, Merrimac, Middleton, Nahant, Newbury, Newburyport, North Andover, Peabody, Rockport, Rowley, Salem, Salisbury, Saugus, Swampscott, Topsfield, Wenham, and West Newbury, all in the county of Essex; and the towns of Bedford, Billerica, Burlington, North Reading, Reading, Tewksbury, Wakefield, and Wilmington all in the county of Middlesex.

Seventh Congressional District — Consisting of wards 1, 2, ward 3 precincts 1, 2, and census blocks 250173525001000, 250173525001001, 250173525001002, 250173525001003, 250173525001006, 250173525002003, 250173525002004, 250173525002005, 250173528001000, 250173528001001, 250173528002001, 250173528002003, 250173528002008, 250173530002000 of precinct 3, precinct 1 of ward 4, ward 5, precinct 3 of ward 10, and ward 11 of the city of Cambridge, and the cities of Everett and Somerville, all in the county of Middlesex; precincts 1, 5, and 10 in the town of Milton and the town of Randolph, both in the county of Norfolk; and wards 1 and 2, precincts 7 and 8 of ward 3, ward 4, precincts 1, 2, 6, 7, 8, 9 and 10 of ward 5, precinct 10 of ward 7, wards 8, 9 and 10, precincts 1, 2, 3, 4, 5, 6, 7 and 8 of ward 11, ward 12, precincts 1, 2, 4, 5, 6, 8 and 9 of ward 13, wards 14 and 15, precincts 1, 3, 4, 6, 8 and 11 of ward 16, wards 17 and 18, precincts 7, 10, 11, 12 and 13 of ward 19, precinct 3 of ward 20, and wards 21 and 22 of the city of Boston and the city of Chelsea, both in the county of Suffolk.

Eighth Congressional District — Consisting of the towns of, Avon, Braintree, Canton, Cohasset, Dedham, Holbrook, precincts 2, 3, 4, 6, 7, 8, and 9 of the town of Milton, census blocks 250214131004004 and 250214131004021 of precinct 8 and census blocks 250214131001000, 250214131001001, 250214131001002, 250214131001003, 250214131001004, 250214131001005, 250214131001006, 250214131001007, 250214131001008, 250214131001009, 250214131001010, 250214131001011, 250214131001012, 250214131001013, 250214131001015, 250214131001016, 250214131001017, 250214131001018, 250214131001019, 250214131001020, 250214131001021, 250214131001022, 250214131001023, 250214131001024, 250214131001025, 250214131001026, 250214131001027, 250214131001028, 250214131001029, 250214131001030, 250214131001031, 250214131001032, 250214131001033, 250214131001034, 250214131001035, 250214131001036, 250214131001037, 250214131001038, 250214131001039, 250214131001040, 250214131001041, 250214131001042, 250214131001043, 250214131001044, 250214131001045, 250214131001046, 250214131001047, 250214131001048, 250214131001049, 250214131001050, 250214131001051, 250214131001052, 250214131001053, 250214131001054, 250214131001055, 250214131001056, 250214131001057, 250214131001058, 250214131001059, 250214131001060, 250214131001061, 250214131003001, 250214131003005, 250214131003006, 250214131003007, 250214131003008, 250214131003012, 250214131003013, 250214131003014, 250214131003018, 250214131003019, 250214131003020, 250214131003021, 250214131003022, 250214131003023, 250214131003024, 250214131003025, 250214131003026, 250214131003027, 250214131003028, 250214131003029, 250214131003030, 250214131003031, 250214131003032, 250214131004000 of precinct 9 of the town of Norwood, Stoughton, Westwood, and Weymouth, and the city of Quincy, all in the county of Norfolk; the towns of Abington,

Congressional districts.

Bridgewater, East Bridgewater, census blocks 250235261001014, 250235261001015, 250235261001017, 250235261001018, 250235261001019, 250235261001020, 250235261001023, 250235261001035, 250235261001043, 250235261001054, 250235261001055, 250235261001056, 250235261001058, 250235261001059, 250235261001060, 250235261001062, 250235261001063, 250235261001064, 250235261001065, 250235261001066, 250235261004014, 250235261004015, 250235261005017 of precinct 1 and precinct 2 of Halifax, Hanover, Hanson, Hingham, Hull, Norwell, Rockland, Scituate, West Bridgewater, and Whitman and the city of Brockton, all in the county of Plymouth; and precincts 1, 2, 3, 4, 5 and 6 of ward 3, precincts 3, 4, 5 and 11 of ward 5, ward 6, precincts 1, 2, 3, 4, 5, 6, 7, 8, and 9 of ward 7, precincts 9 and 10 of ward 11, precincts 3, 7 and 10 of ward 13, precincts 2, 5, 7, 9, 10 and 12 of ward 16, and precincts 1, 2, 3, 4, 5, 6, 8, and 9 of ward 19, and precincts 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 of ward 20 of the city of Boston, in the county of Suffolk.

*Ninth Congressional District* — Consisting of the cities and towns in the counties of Barnstable, Dukes County, and Nantucket; the towns of Acushnet, Dartmouth, Fairhaven, Freetown, and Westport, the City of Fall River, and the city of New Bedford, all in the county of Bristol; and the towns of Carver, Duxbury, census blocks 250235261001004, 250235261001016, 250235261001052, 250235261001053, 250235261003029, 250235261004000, 250235261004001, 250235261004002, 250235261004003, 250235261004004, 250235261004005, 250235261004006, 250235261004007, 250235261004008, 250235261004009, 250235261004010, 250235261004011, 250235261004012, 250235261004013, 250235261004016, 250235261004017, 250235261004018, 250235261004019, 250235261005000, 250235261005001, 250235261005002, 250235261005003, 250235261005004, 250235261005005, 250235261005006, 250235261005007, 250235261005008, 250235261005009, 250235261005010, 250235261005011, 250235261005012, 250235261005013, 250235261005014, 250235261005015, 250235261005016, 250235261005018, 250235261005019, 250235261005020, 250235261005021, 250235261005022, 250235261005023, 250235261005024, 250235261005025, 250235261005026, 250235261005027, 250235261005028, 250235261005029, 250235261005030, 250235261005031, 250235261005032, 250235261005033, 250235261005034, 250235261005035, 250235261005036, 250235261005037, 250235261005038, 250235261005039, 250235261005040, 250235261005041, 250235261005042, 250235261005043, 250235261005044, 250235261005045, 250235261005046, 250235261005047, 250235261005048, 250235261005049, 250235261005050, 250235261005051 and 250235261005052 of precinct 1 of Halifax, Kingston, Lakeville, Marion, Marshfield, Mattapoisett, Middleborough, Pembroke, Plymouth, Plympton, Rochester and Wareham, all in the county of Plymouth.”.

After debate on the question on adoption of the amendment offered by Mr. Jones of North Reading, et als, 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 119 in the negative.

Amendment rejected,—yea and nay No. 149.

**[See Yea and Nay No. 149 in Supplement.]**

[Mr. Winslow of Norfolk answered “Present” in response to his name.]

Therefore the amendment was rejected. Mr. Frost of Auburn and other members of the House then moved to amend the bill in section 1, in lines 7 to 17, by striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

“*First Congressional District* — Consisting of the cities and towns in Berkshire county; the towns of Ashfield, Bernardston, Buckland, Charlemont, Colrain, Conway, Deerfield, Gill, Greenfield, Hawley, Heath, Leverett, Leyden, Montague, Monroe, Northfield, Rowe, Shelburne, and Sunderland all in the county of Franklin; the cities of Chicopee, Holyoke, Springfield and Westfield, and the towns of Agawam, Blandford, Brimfield, Chester, East Longmeadow, Granville, Hampden, Holland, Longmeadow, Ludlow, Monson, Montgomery, precincts 1, 2, 3, and 4 of the town of Palmer, the towns of Russell, Southwick, Tolland, Wales and Wilbraham, all in the county of Hampden; the city of Easthampton and the towns of Chesterfield, Cumington, Goshen, Granby, Huntington, Middlefield, Plainfield, South Hadley, Southampton, Westhampton, Williamsburg and Worthington, all in the county of Hampshire; the towns of Brookfield, East Brookfield, Sturbridge and Warren, all in the county of Worcester.”; in lines 18 to 29, by striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

“*Second Congressional District* — Consisting of the towns of Erving, New Salem, Orange, Shutesbury, Warwick, Wendell and Whately, all in the county of Franklin; precinct 1A of the town of Palmer, in the county of Hampden; the city of Northampton and the towns of Amherst, Belchertown, Hadley, Hatfield, Pelham and Ware, all in the county of Hampshire; precinct 5 of the town of Bellingham, in the county of Norfolk; the cities of Leominster and Worcester and the towns of Athol, Auburn, Barre, Blackstone, Boylston, Charlton, Douglas, Dudley, Grafton, Hardwick, Holden, Hubbardston, Leicester, Mendon, Millbury, Millville, New Braintree, North Brookfield, Northborough, Northbridge, Oakham, Oxford, Paxton, Petersham, Phillipston, Princeton, Royalston, Rutland, Shrewsbury, Southbridge, Spencer, Sterling, Sutton, Templeton, Upton, Uxbridge, Webster, West Boylston, West Brookfield, Westborough, and precinct 1 of the town of Winchendon, all in the county of Worcester.”; and in section 6, in lines 125 to 128, inclusive, by striking out the following: “250138101001018, 250138101001019, 250138102001001, 250138102003000, 250138102003001, 250138102003002, 250138102003003, 250138102003012, 250138102003013, 250138102003020, 250138102003021, 250138102003022, 250138102003023 and 250138102003024” and inserting in place thereof the following: “250138101001018, 250138102003000, 250138102003001,

250138102003002, 250138102003003, 250138102003004, 250138102003005, 250138102003006, 250138102003007, 250138102003014, 250138102003018, 250138102003021 and 250138102003023.”

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 Mr. Frost of Auburn; and on the roll call 32 members voted in the affirmative and 120 in the negative.

**[See Ye and Nay No. 150 in Supplement.]**

[Mr. Winslow of Norfolk answered “Present” in response to his name.]

Therefore the amendments were rejected.

Representatives Sánchez of Boston and Malia of Boston then moved to amend the bill in section 1, in lines 38 to 46, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

“*Fourth Congressional District* — Consisting of the cities of Attleboro, precinct C of ward 4, precinct C of ward 5, and ward 5, and wards 7, 8 and 9, the city of Fall River, precincts 7A, 8A and 8B in the City of Taunton, the towns of Berkley, Dighton, Freetown, Mansfield, North Attleborough, Norton, Rehoboth, Seekonk, Somerset and Swansea, all in the county of Bristol; the city of Newton, and the town of Hopkinton, both in the county of Middlesex; precincts 1, 2, 3 and 4 of the town of Bellingham, and the towns of Brookline, Dover, Foxborough, Franklin, Medfield, Medway, Millis, Needham, Norfolk, Plainville, Sharon, Walpole, Wellesley, and Wrentham, all in the county of Norfolk; the town of Lakeville in the county of Plymouth; the towns of Hopedale and Milford, all in the county of Worcester; and precincts 1, 2, 3, 4, 5, 6, 8, 9 of Ward 19 and precincts 9 and 10 of ward 11 of Boston in the county of Suffolk.”; and in lines 70 to 80, inclusive by striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

“*Eighth Congressional District* — Consisting of the towns of Easton and Raynham, all in the county of Bristol; the towns of, Avon, Braintree, Canton, Cohasset, Dedham, Holbrook, precincts 2, 3, 4, 6, 7, 8, and 9 of the town of Milton, the towns of Norwood, Stoughton, Westwood, and Weymouth, and the city of Quincy, all in the county of Norfolk; the towns of Abington, Bridgewater, East Bridgewater, Hingham, Hull, Scituate, West Bridgewater, and Whitman and the city of Brockton, precincts 7A, 8A and 8B in the town of Taunton, and all in the county of Plymouth; and precincts 1, 2, 3, 4, 5 and 6 of ward 3, precincts 3, 4, 5 and 11 of ward 5, ward 6, precincts 1, 2, 3, 4, 5, 6, 7, 8, and 9 of ward 7, precincts 9 and 10 of ward 11, precincts 3, 7 and 10 of ward 13, precincts 2, 5, 7, 9, 10 and 12 of ward 16, and precincts 1, 2, 3, 4, 5, 6, 8, and 9 of ward 19, and precincts 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 of ward 20 of the city of Boston, in the county of Suffolk.”

The amendments were rejected.

Mr. Cantwell of Marshfield then moved to amend the bill in section 1, in line 74, by striking out the words “Hingham, Hull, Scituate” and inserting in place thereof the words “Halifax, Hanson, Hingham, Hull”, in line 85, by striking out the words “Halifax, Hanover, Hanson” and

inserting in place thereof the word “Hanover”, and, in line 86, by inserting after the word “Rockland” the word “, Scituate”; by striking out section 5 and inserting in place thereof the following section:

“SECTION 5. Notwithstanding the provisions of any general or special law to the contrary, for the purpose of electing representatives in the Congress of the United States and delegates and alternate delegates to the national conventions of political parties as provided in section 1, the state secretary shall direct the election commission of the city of Fall River to include census blocks 250056412002006, 250056412002007, 250056412002010, 250056412002011, 250056412002051, 250056413002015, 250056413004003, 250056413004004, and 250056413004005 all in precinct C of ward 5, and census block 250056417002021 in precinct C of ward 8, all in the city of Fall River.”; and by striking out section 7 and inserting in place thereof the following section:

“SECTION 7. Notwithstanding the provisions of any general or special law to the contrary, for the purpose of electing representatives in the Congress of the United States and delegates and alternate delegates to the national conventions of political parties as provided in section 1, the state secretary shall direct the board of selectmen of the town of Raynham to include census block 250056122003032 in precinct 1 of the town of Raynham, and to include census blocks 250056121001032, 250056121002031, 250056122001024, 250056122002011 and 250056122002013 in precinct 4 of the town of Raynham, and to include census block 250056121001028 in precinct 2 of the town of Raynham.

Census Block data for an amended Section Five and Section Seven are hereby attached to this amendment to comply with the Order 3771.”

After remarks the amendments were rejected.

Ms. Wolf of Cambridge and other members of the House then moved to amend the bill in section 1, in line 47, by striking out the following: “precincts 2 and 3 of ward 4, wards 6, 7, 8, and 9, and precincts 1 and 2 of ward 10 of the city of Cambridge,” and inserting in place thereof the following: “precincts 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 of ward 21 and precincts 3, 4, 6, 7, 8, 9, 10, 11 and 13 of ward 22 of the city of Boston”, in line 61, by striking out the following: “wards 1, 2, 3, precinct 1 of ward 4, ward 5, precinct 3 of ward 10, and ward 11 of”, and, in line 67, by striking out the following: “wards 21 and 22 of the city of Boston” and inserting in place thereof the following: “precinct 16 of ward 21 and precincts 5 and 12 of ward 22 of the city of Boston”; and by striking out section 4 and inserting in place thereof the following section:

“SECTION 4. Notwithstanding the provisions of any general or special law to the contrary, for the purpose of electing representatives in the Congress of the United States and delegates and alternate delegates to the national conventions of political parties as provided in section 1, the state secretary shall direct the board of selectmen and town clerk of the city of Boston to include census blocks 20259815011069, 250259815011067, 20250001001005, 20250001001006, 20250001001008, 20250001001009, 250259815011068, 250250001001014, 250250001001015, 250250001001016,

Congressional districts.

250250001001017, 250250001001018, 250250001001020, 250250001001021, and 250250001001025 in precinct 22 ward 2 of the city of Boston.”.

After remarks the amendments were rejected.

Mr. Kafka of Stoughton and other members of the House then moved to amend the bill in section 2, in line 40, by inserting after the word “Dighton” the word “, Easton”, and in line 73 by inserting after the word “Stoughton” the word “, Walpole”; and by striking out section 7 and inserting in place thereof the following section:

“SECTION 7. Notwithstanding the provisions of any general or special law to the contrary, for the purpose of electing representatives in the Congress of the United States and delegates and alternate delegates to the national conventions of political parties as provided in section 1, the state secretary shall direct the board of selectmen and town clerk of the town of Raynham to include census block 250056122001015 in precinct 1 of the town of Raynham, and to include census blocks 250056122003009, 250056122003013 and 250056122003014 in precinct 3 of the town of Raynham, and to include census blocks 250056121001021, 250056121001022, 250056121001023, 250056121001024, 250056121001024, 250056121001032, 250056121002028, 250056121002029, 250056121002031, 250056122001017, 250056122001018, 250056122001019, 250056122001020 and 250056122001021 in precinct 4 of the town of Raynham.”.

The amendments were adopted.

Mr. Moran of Boston then moved to amend the bill in section 1, in line 45 by striking out the word “Walpole”, and in line 70 by striking out the words “the town of Easton and”; and the amendments were adopted.

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. Moran of Boston; and on the roll call 124 members voted in the affirmative and 29 in the negative.

[See Yea and Nay No. 151 in Supplement.]

[Mr. Winslow of Norfolk answered “Present” in response to his name.]

Therefore the bill (printed in House, No. 3798, Appendix A, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Emergency Measure.

The engrossed Bill establishing a sick leave bank for Grace A. Rugnetta, an employee of the Executive Office of Health and Human Services (see House, No. 3640), 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 60 to 1. 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 passed to be engrossed,—yea and nay No. 151.

Grace A. Rugnetta,—sick leave bank.

Bill enacted.

Engrossed Bills.

Engrossed bills

Providing for additional pension reform and benefits modernization (Senate, No. 2065) (which originated in the Senate); and Relative to the commercial exploitation of people (see House, No. 3808) (which originated in the House);

Bills enacted.

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.

Report of a Committee.

Mr. Mariano of Quincy being in the Chair,— By Mr. O’Flaherty of Chelsea, for the committee on the Judiciary, on Senate, No. 764 and House, No. 502, a Bill relative to transgender equal rights (House, No. 3810), which was read.

Transgender rights.

At three minutes before six o’clock P.M. (Mr. Mariano of Quincy being in the Chair), Mr. Jones of North Reading moved that the House recess until the hour of seven o’clock P.M.

On the motion to recess, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 35 members voted in the affirmative and 119 in the negative.

Motion to recess negated,—yea and nay No. 152.

[See Yea and Nay No. 152 in Supplement.]

Therefore the motion to recess was negated.

Mr. Rushing of Boston then moved to suspend the rules in order that the bill might be read a second time forthwith.

At the request of Mr. Jones of North Reading, the question was divided.

After debate on the first question, on suspension of Rule 33, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 116 members voted in the affirmative and 37 in the negative.

Rule 33 suspended,—yea and nay No. 153.

[See Yea and Nay No. 153 in Supplement.]

Therefore Rule 33 was suspended.

On the second question, on suspension of Rule 41, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 117 members voted in the affirmative and 36 in the negative.

Rule 41 suspended,—yea and nay No. 154.

[See Yea and Nay No. 154 in Supplement.]

Therefore Rule 41 was suspended.

On the third question, on suspension of Rule 7A, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 113 members voted in the affirmative and 36 in the negative.

Rule 7A suspended,—yea and nay No. 155.

[See Yea and Nay No. 155 in Supplement.]

Therefore Rule 7A was suspended.

Subsequently Mr. Jones of North Reading asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Mariano of Quincy), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

A roll call then 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. 156.

[See Yea and Nay No. 156 in Supplement.]

Therefore a quorum was present.



Previous question.

The bill then was read a second time; and on the main question on ordering the bill to a third reading, Mr. Pedone of Worcester moved the previous question.

Main question ordered,—yea and nay No. 157.

On the motion to order the main question, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 115 members voted in the affirmative and 38 in the negative.

[See Yea and Nay No. 157 in Supplement.]

Therefore the main question was ordered.

Bill ordered to a third reading,—yea and nay No. 158.

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. Peterson; and on the roll call 113 members voted in the affirmative and 37 in the negative.

[See Yea and Nay No. 158 in Supplement.]

Therefore the bill was ordered to a third reading. Mr. Pedone of Worcester then moved that this vote be reconsidered; and the motion to reconsider was considered forthwith.

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 37 members voted in the affirmative and 116 in the negative.

[See Yea and Nay No. 159 in Supplement.]

Therefore the motion to reconsider was negatived.

Mr. Pedone of Worcester then moved that Rule 39 be suspended in order that the bill be read a third time forthwith.

Motion to reconsider negatived,—yea and nay No. 159.

On motion to suspend Rule 39, 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 115 members voted in the affirmative and 37 in the negative.

[See Yea and Nay No. 160 in Supplement.]

Therefore Rule 39 was suspended.

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. Linsky of Natick moved (at a quarter before eight o'clock P.M.) that, unless sooner reached, debate be closed at ten minutes before nine o'clock.

Rule 39 suspended,—yea and nay No. 160.

After debate on the motion to close debate, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 95 members voted in the affirmative and 56 in the negative.

[See Yea and Nay No. 161 in Supplement.]

Therefore the motion to close debate (at ten minutes before nine o'clock P.M.) prevailed.

Mr. Frost of Auburn then moved to amend the bill by striking out sections 3, 4, 5, 6 and 7.

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 59 members voted in the affirmative and 94 in the negative.

[See Yea and Nay No. 162 in Supplement.]

Therefore the amendment was rejected.

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

Motion to close debate prevailed,—yea and nay No. 161.

Amendment rejected,—yea and nay No. 162.

Bill passed to be engrossed,—

Mr. Jones of North Reading; and on the roll call 95 members voted in the affirmative and 58 in the negative.

yea and nay No. 163.

[See Yea and Nay No. 163 in Supplement.]

Therefore the bill was passed to be engrossed. Mr. Pedone of Worcester then moved that this vote be reconsidered; and the motion to reconsider was considered forthwith.

On the motion to reconsider, 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 56 members voted in the affirmative and 95 in the negative.

Motion to reconsider negatived,—yea and nay No. 164.

[See Yea and Nay No. 164 in Supplement.]

Therefore the motion to reconsider was negatived. The bill (House, No. 3810) then was sent to the Senate for concurrence.

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

The House Bill authorizing the town of Sherborn to lease certain land in Sherborn Town Forest for the purpose of constructing, operating and maintaining a wireless telecommunications facility (House, No. 1841) (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,—forest land.

The House Bill regulating secondary metals dealings (House, No. 3723), 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. Speliotis of Danvers.

Secondary metals,—dealings.

Pending the question on passing the bill to be engrossed, Mr. Pedone of Worcester moved to amend it in section 2 (as published), in lines 37 to 47, inclusive, by striking out subsections (e) and (f); by striking out section 3 (as published) and inserting in place thereof the following section:

“SECTION 1. Chapter 140 of the General Laws is hereby amended by inserting after section 54A the following section:—

Section 54B. A dealer registered under section 54 shall comply with the following procedures when purchasing any metal products:

(1) The dealer shall require the individual selling the metals to produce a Massachusetts or state-issued photo identification and shall maintain a copy of such identification in the record of transaction.

(2) The dealer shall ascertain the identity of any business, organization, society or corporation selling the metals by requiring them to provide a Massachusetts or state-issued identification number, and the dealer shall maintain a copy of such identification in the record of transaction.

(3) The dealer shall keep a daily transaction log, in the English language and such log information shall include:

(i) the name, date of birth and residence of the person with whom such a transaction was made, or company or organization name and principal address with whom such a transaction was made;

Secondary  
metals,—  
dealings.

- (ii) the date and time when such a transaction occurred;
- (iii) the price paid for the article;
- (iv) a description of the article, including type, weight and quantity;
- (v) the license plate number and state of issue of the vehicle being used by the person offering the article to transport the article to the registrant's place of business; and
- (vi) a written statement from the person offering the article stating that he or she is in lawful possession of the article being offered.

(4) A secondary metals dealer may not accept or purchase new production scrap or new materials that are part of a manufacturing process from any individual who is not company-affiliated or an authorized contractor of the manufacturer, municipality, government or utility. Other items that cannot be accepted by a secondary metals dealer are:

- (i) guardrails;
- (ii) manhole covers;
- (iii) cables used only in high voltage transmission lines;
- (iv) historical markers;
- (v) cemetery plaques;
- (vi) full-sized new materials, such as those used in construction;
- (vii) equipment tools used by contractors;
- (viii) bleachers from an athletic field;
- (ix) traffic signs;
- (x) beer kegs; and
- (xi) materials that have been reported stolen through the Institute of Scrap Recycling Industries, Inc. (ISRI) alert system.

A list of the materials named above which are deemed unacceptable shall be prominently posted on a large sign at every registered facility in the commonwealth.

(5) The record file shall be retained by the dealer for a period of 1 year from the date of the transaction. Accompanying documentation may be destroyed following the 1-year period. If documentation is stored electronically, such documents shall be stored or backed-up by any current electronic means and may be deleted at the completion of the 1-year period.

(6) During the 1-year period, the log shall be open for inspection by the state and local police upon reasonable request.”; in section 4 (as printed), in lines 103, 104 and 105, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:

“(f) A holding period may be extended beyond 48 hours only upon the order of a clerk-magistrate after the clerk-magistrate has determined that probable cause exists that the scrap material is lost or stolen.”; and by adding the following section

“SECTION 3. Notwithstanding any general or special law to the contrary, the commissioner of banks shall establish a 2 year pilot program to implement a Massachusetts abandoned property registry, hereinafter referred to as MAP. Such registry shall require all property owners, including lenders, trustees, and service companies, to properly register and maintain vacant or foreclosing properties located in the commonwealth. Law enforcement entities including, but not limited to, the attorney general and municipalities shall have access to the MAP. The commissioner of banks shall have enforce-

ment authority of the pilot program including, but not limited to, the authority impose civil assessments. Said commissioner shall adopt rules and regulations governing the implementation and administration of the MAP pilot program.

The MAP pilot program shall be implemented 120 days after the effective date of this act, and shall expire 2 years thereafter.”.

The amendments were adopted; and after remarks the bill (House, No. 3723, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The Senate Bill further regulating certain licenses for the sale of alcoholic beverages (Senate, No. 2033, amended) was read a second time forthwith, under suspension of Rule 47, on motion of Mr. Walsh of Lynn; and it was ordered to a third reading.

Liquor  
licenses.

The House Bill authorizing the release of certain land in the town of Dartmouth from the operation of an agricultural preservation restriction (House, No. 3797) was read a second time forthwith, under suspension of Rule 47, on motion of Mr. Markey of Dartmouth; and it was ordered to a third reading.

Dartmouth,—  
agricultural  
preservation  
restriction.

#### Recess.

At six minutes after nine o'clock P.M., there being no objection, on motion of Ms. Reinstein of Revere (Mr. Mariano of Quincy being in the Chair), 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 of Medford in the Chair.

Recess.

#### Wednesday, November 16, 2011 (at 11:00 o'clock A.M.).

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.

#### Statement Concerning Representative Aguiar of Fall River.

A statement of Mrs. Haddad of Somerset concerning Mr. Aguiar of Fall River 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 Aguiar of Fall River, was unable to be present in the House Chamber for the last three roll calls taken today due to a scheduling conflict. If he had been present, he would have voted in the affirmative on roll call numbers 179, 180 and 181. His missing of roll calls today was due entirely to the reason stated.

Statement  
concerning  
Mr. Aguiar of  
Fall River.

#### Statement Concerning Representative Coakley-Rivera of Springfield.

A statement of Ms. Reinstein of Revere 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, was absent from the House Chamber for yesterday's session and will not be present for today's session due to illness. Had she been present yesterday, she would have voted in the affirmative on the question on acceptance of conference committee reports on An Act establishing expanded gaming in the Commonwealth (House, No. 3870) [roll call number 144], and An Act providing for additional pension reform and benefits modernization (Senate, No. 2065) [roll call number 147]. She would have also voted in the affirmative on the questions on ordering to a third reading [roll call number 158] and passing to be engrossed [roll call number 163] the House Bill relative to transgender equal rights (House, No. 3810). Her missing of roll calls yesterday and 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:

Temple Shir Hadash. John Robert Wesley.

Resolutions (filed by Mr. Arciero of Westford) resolutions on the tenth anniversary of the founding of Temple Shir Hadash; and Resolutions (filed by Mr. Fernandes of Milford) congratulating John Robert Wesley 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. 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.

Report of a Committee.

Habitual offenders,—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 Bill relative to habitual offenders, sentencing and improving law enforcement tools [House, No. 3811] (for order, see House, No. 3813).

The order was considered forthwith; and it was adopted.

Recess.

Recess.

At twenty-five minutes after eleven o'clock A.M. (Wednesday, November 16), on motion of Mr. Pedone of Worcester (Mr. Donato of Medford being in the Chair), the House recessed until the twenty minutes before twelve o'clock noon; and at two minutes after twelve o'clock P.M. the House was called to order with Mr. Kafka of Stoughton in the Chair.

Papers from the Senate.

"Evergreen" collective bargaining.

Mrs. Haddad of Somerset being in the Chair,— The House Bill relative to the terms of collective bargaining agreements (House, No. 3789), came from the Senate passed to be engrossed, in concurrence, with amendments in section 3, in line 12, striking out

the date "November 1, 2011" and inserting in place thereof the words "the effective date of this act", and, in line 14, striking out the words "other specific matters" and inserting in place thereof the words "all other purposes"; 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 ensure that public employers and public employees have appropriate tools to negotiate collective bargaining agreements, 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. Walsh 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.

Mr. Donato of Medford being in the Chair,—

The House Bill establishing congressional districts (printed in House, No. 3798, App. A) 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 2073.

Congressional redistricting.

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

A Bill adopting the Revised Uniform Anatomical Gift Act (Senate, No. 2067) (on Senate bill, No. 1098), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Anatomical Gift Act.

A Bill relative to identification cards (Senate, No. 1718) (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.

Identification cards.

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

The Senate Bill amending contract procedures in the city of Boston (Senate, No. 1054), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time, under suspension of Rule 47, on motion of Mr. Pedone of Worcester; and it was passed to be engrossed, in concurrence.

Boston,—contract procedures.

The Senate Bill eliminating the residency requirement for certain assistant treasurers and assistant collectors (Senate, No. 1325), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time, under suspension of Rule 47, on motion of Mr. deMacedo of Plymouth; and it was passed to be engrossed, in concurrence.

Municipal treasurers and collectors,—residency.

Marblehead,—  
police chief.

The Senate Bill exempting the position of chief of police in the town of Marblehead from the civil service law (Senate, No. 1929), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time, under suspension of Rule 47, on motion of Ms. Ehrlich of Marblehead; and it was passed to be engrossed, in concurrence.

Restraining  
order  
hearings,—  
video-  
conferences.

The House Bill relative to videoconference hearings when one party is subject to a protective order or restraining order (House, No. 3143), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time, under suspension of Rule 47, on motion of Mr. Binienda of Worcester.

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. 3816), which was read.

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

Lowell,—  
land.

The House Bill relative to the land acquisition for Hamilton Crossing (House, No. 3379, changed), 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. Story of Amherst.

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 grant or release forthwith real property interests in Lowell Heritage state park for the renovation of bridges, 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. 3379, changed and amended) was passed to be engrossed. Sent to the Senate for concurrence.

Westford,—  
liquor  
licenses.

The House Bill authorizing the town of Westford to issue 2 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 3583) (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. Arciero of Westford; and it was passed to be engrossed. Sent to the Senate for concurrence.

Arlington,—  
budget  
submissions.

The House Bill relative to budget submissions to the town manager in the town of Arlington (House, No. 3652), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time, under suspension of Rule 47, on motion of Mr. Garballey of Arlington; and it was passed to be engrossed. Sent to the Senate for concurrence.

Firearms,—  
licensing.

The House Bill relative to the licensing of firearms for certain persons (House, No. 3700) (its title having been changed by the commit-

tee 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. Hunt of Sandwich; and it was passed to be engrossed. Sent to the Senate for concurrence.

Revere,—  
land.

The House Bill authorizing the conveyance of certain parcels of land in the city of Revere (House, No. 3783) (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 the rules, on motion of Ms. Reinstein of Revere; and it was passed to be engrossed. Sent to the Senate for concurrence.

Amherst,—  
land.

The House Bill authorizing the Massachusetts Department of Transportation to acquire certain parcels of land in the town of Amherst (House, No. 3792), 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. Story of Amherst.

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 Massachusetts Department of Transportation to acquire land in the town of Amherst for highway use, 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. 3792, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Vehicle  
insurance,—  
underwriting.

The House Bill prohibiting the use of credit in underwriting and rating private passenger motor vehicle insurance (House, No. 3795) (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. Costello of Newburyport. After debate it was passed to be engrossed. Sent to the Senate for concurrence.

Dartmouth,—  
agricultural  
land.

The House Bill authorizing the release of certain land in the town of Dartmouth from the operation of an agricultural preservation restriction (House, No. 3797), 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. Markey of Dartmouth; and it was passed to be engrossed. Sent to the Senate for concurrence.

Malden,—  
financial  
officers.

The Senate Bill relative to the administrative organization of financial officers in the city of Malden (Senate, No. 1990), was read a second time, under suspension of Rule 47, on motion of Mr. Fallon of Malden; and it was ordered to a third reading.

Private road  
maintenance.

The House Bill relative to private road maintenance (House, No. 578), was read a second time, under suspension of Rule 47, on motion of Mr. Turner of Dennis; and it was ordered to a third reading.

Co-operative banks.

The House Bill relative to co-operative banks (House, No. 1202), was read a second time, under suspension of Rule 47, on motion of Mr. Dempsey of Haverhill.

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. 3806),— then was adopted; and the substituted bill was ordered to a third reading.

Anti-gang injunctions.

The House Bill relative to anti-gang injunctions (House, No. 2848), was read a second time, under suspension of Rule 47, on motion of Mr. O’Flaherty of Chelsea; and it was ordered to a third reading.

Somerville,— charter.

The House Bill relative to the charter of the city of Somerville (House, No. 3442), was read a second time, under suspension of Rule 47, on motion of Mr. Kane of Holyoke; and it was ordered to a third reading.

Students with disabilities,— transition.

The House Bill to promote the successful transition of students with disabilities to post-secondary education, employment and independent living (House, No. 3720), was read a second time, under suspension of Rule 47, on motion of Ms. Peisch of Wellesley; 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, its title having been changed by said committee to read: “An Act relative to students with disabilities in post-secondary education, employment and independent living.”. Sent to the Senate for concurrence.

Alcoholic beverage licenses.

Mrs. Haddad of Somerset being in the Chair,—  
The Senate Bill further regulating certain licenses for the sale of alcoholic beverages (Senate, No. 2033, 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 Mr. Speliotis of Danvers.

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 request of the same member; and; and on the roll call 149 members voted in the affirmative and 5 in the negative.

**[See Ye and Nay No. 165 in Supplement.]**

Therefore the bill (Senate, No. 2033, amended) was passed to be engrossed, in concurrence.

*Recess.*

Recess.

At half past one o’clock P.M. (Wednesday, November 16), on motion of Mr. Jones of North Reading (Mrs. Haddad of Somerset being in the Chair), the House recessed until a quarter after two o’clock; and at nineteen minutes before three o’clock P.M., the House was called to order with Mrs. Haddad in the Chair.

*Engrossed Bill.*

The engrossed Bill relative to gender identity (see House, No. 3810) (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.

Gender identity.

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 of Grafton; and on the roll call 94 members voted in the affirmative and 60 in the negative.

Bill enacted,— yeas and nays No. 166.

**[See Ye and Nay No. 166 in Supplement.]**

Therefore the bill was passed to be enacted. Mr. Sciortino of Medford then moved that this vote be reconsidered; the motion to reconsider was considered forthwith; and it was negative. The bill then was signed by the acting Speaker and sent to the Senate.

*Reports of Committees.*

Mr. Kafka of Stoughton being in the Chair,—  
By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill to restore collective bargaining rights for employees of the Massachusetts Bay Transportation Authority (Senate, No. 2066), ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

MBTA,— collective bargaining.

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. Dempsey of Haverhill, 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, its title having been changed by said committee to read: “An Act relative to collective bargaining rights for employees of the Massachusetts Bay Transportation Authority.”.

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 forthwith restore collective bargaining rights for employees of the Massachusetts Bay Transportation Authority, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

The amendment was adopted.

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. Walsh of Boston; and on the roll call 155 members voted in the affirmative and 0 in the negative.

Bill passed to be engrossed,— yeas and nays No. 167.

**[See Ye and Nay No. 167 in Supplement.]**

Therefore the bill (Senate, No. 2066, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment.

Sandwich Economic Initiative Corporation.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Senate Bill relative to the Sandwich Economic Initiative Corporation (Senate, No. 1928), be scheduled for consideration by the House.

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

Subsequently (Ms. Reinstein of Revere having been in the Chair), under suspension of the rules, on further motion of Mr. Hunt, 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. Corporation.

Jacqueline Enno, — sick leave bank.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Senate Bill establishing a sick leave bank for Jacqueline Enno, an employee of the Department of Developmental Services (Senate, No. 2068), 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.

Subsequently (Ms. Reinstein of Revere being in the Chair), under suspension of the rules, on motion of Mr. Scibak of South Hadley, 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.*

The engrossed Bill establishing expanded gaming in the Commonwealth (see House, No. 3807), 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.

Pending the question on adoption of the emergency preamble, Mr. Wagner of Chicopee moved that Rule 40 be suspended; and the motion prevailed.

The same member then moved to amend the bill in section 16, in line 755, by striking out the words "and, in consultation with the commission, shall execute" and inserting in place thereof the following: "The commission, in consultation with the colonel of the state police, shall facilitate the execution of"; in line 2505, by striking out the figure "2" and inserting in place thereof the figures "4.5"; and, in line 2536, by striking out the figure "5" and inserting in place thereof the figures "2.5".

The amendments were adopted. Mr. Wagner then moved that this vote be reconsidered; and the motion to reconsider was negatived. The bill (see House, No. 3807, amended) then was sent to the Senate for concurrence in the amendments.

*Engrossed Bills — Land Takings.*

The engrossed Bill authorizing the Nantucket Islands Land Bank to dispose of certain land situated in the town of Nantucket (see House, No. 569, 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.

Nantucket, — 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), — yeas and nays No. 168.

**[See Yeas and Nays No. 168 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 Sherborn to lease certain land in Sherborn town forest for the purpose of constructing, operating and maintaining a wireless telecommunications facility (see House, No. 1841) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Sherborn, — 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), — yeas and nays No. 169.

**[See Yeas and Nays No. 169 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.*

Ms. Reinstein of Revere being in the Chair, —

The engrossed Bill establishing expanded gaming in the Commonwealth (see House, No. 3807, 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.

Expanded gaming.

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 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 at the request of Mr. Jones of North Reading; and on the roll call 124 members voted in the affirmative and 30 in the negative.

Bill enacted, — yeas and nays No. 170.

**[See Yeas and Nays No. 170 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 as follows:

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. I now find, however, that due to some inexplicable reason I was recorded as voting in the affirmative.

Statement of Mr. Rogers of Norwood.

Revere,—  
land  
conveyance.

The engrossed Bill authorizing the conveyance of certain parcels of land in the city of Revere (see House, No. 3783) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 50 to 0. Sent to the Senate for concurrence.

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

Bill enacted  
(land taking),—  
yea and nay  
No. 171.

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. 171 in Supplement.]**

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

Lowell,—  
land  
conveyance.

The engrossed Bill relative to the land acquisition for Hamilton Crossing (see House, No. 3379, changed and amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 60 to 0. Sent to the Senate for concurrence.

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

Bill enacted  
(land taking),—  
yea and nay  
No. 172.

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. 172 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.*

General  
Appropriation  
Bill.

Mr. Dempsey of Haverhill, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 3581), returning with his disapproval of certain sections contained in the engrossed Bill making appropriations for the fiscal year 2012 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, of interest, sinking fund and serial bond requirements and for certain per-

manent improvements (see House, No. 3535), reported, in part, that section 156 stand (as passed by the General Court). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee reported that the matter be scheduled for consideration by the House. Under suspension of Rule 7A, on motion of Mr. Dempsey, the report was considered forthwith.

Section 156 (health safety net trust fund), which had been disapproved by the Governor, then 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 155 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 173 in Supplement.]**

Therefore section 156 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.

Health safety  
net trust fund  
section 156  
stands,—  
yea and nay  
No. 173.

By Mr. Walsh of Lynn, for the committee on Health Care Financing, that the Bill relative to enhancing the practice of nurse midwives (House, No. 2369, changed), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 3815). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Nurse  
midwives.

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. Khan of Newton, the bill was read a second time forthwith.

The amendment recommended by the committee on Health Care Financing 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; and it was passed to be engrossed. The bill (House, No. 3815) then was sent to the Senate for concurrence. midwives.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill authorizing the board of commissioners of the Franklin County Regional Housing and Redevelopment Authority to offer a limited early retirement incentive (House, No. 3748), ought to pass with an amendment substituting a bill with the same title (House, No. 3812). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Franklin  
County  
Housing  
Authority,—  
early  
retirement.

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. Kulik of Worthington, 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.

School bus safety.

By Mr. Straus of Mattapoissett, for the committee on Transportation, on House, No. 1293, a Bill concerning the safety of school children embarking and disembarking school buses (House, No. 3817). Read; referred, under Rule 33, to the committee on Ways and Means.

*Emergency Measures.*

Amherst,—  
land conveyance.

The engrossed Bill authorizing the Massachusetts Department of Transportation to acquire certain parcels of land in the town of Amherst (see House, No. 3792, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 63 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. 174.

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. 174 in Supplement.]**

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

Dartmouth,—  
land conveyance.

The engrossed Bill authorizing the release of certain land in the town of Dartmouth from the operation of an agricultural preservation restriction (see House, No. 3797) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 61 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. 175.

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. 175 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 House Bill relative to sentencing and improving law enforcement tools (House, No. 3811) (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 the rules, on motion of Mr. Pedone of Worcester.

Sentencing reform.

After remarks pending the question on passing the bill to be engrossed, Mr. Hill of Ipswich moved to amend it by adding the following two sections:—

“SECTION 4. Section 133A of chapter 127, as appearing in the 2010 Official Edition, is hereby amended by inserting, after the word ‘degree’ in line 5, the following words: ‘and except prisoners serving more than 1 life sentence’.

SECTION 5. Section 24 of chapter 279, as appearing in the 2010 Official Edition, is hereby amended by inserting at the end thereof the following sentence:—

In the case of a sentence to life imprisonment, except in the case of a sentence for murder in the first degree, and except in the case of multiple life sentences, the court shall fix a minimum term which shall be not less than 20 years or more than 25 years.”

The amendment was rejected.

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

“Section 4. Section 133A of chapter 127, as appearing in the 2010 Official Edition, is hereby amended by striking out, in lines 29 and 35, the words ‘a majority’, and inserting in place thereof, in each instance, the following word: ‘two-thirds.’.

The amendment was adopted.

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

“SECTION 5. Section 133A of chapter 127, as appearing in the 2010 official addition, is hereby amended by inserting after the word ‘procedure’, in line 28, the following words:— provided, however, that no hearing shall take place until the parole board has certified in writing that it has complied with the notification requirements of this paragraph, a copy of which shall be included in the record of such proceeding; and provided further, that this paragraph shall also apply to any parole hearing for an applicant who was convicted of a crime listed in clause (i) of subsection (b) of section 25 of chapter 279 and sentenced and committed to prison for 5 or more years for such crime and does not show that a pardon has been issued for the crime.”

After debate the amendment was adopted.

Mr. Jones of North Reading then moved to amend the bill by adding the following section:

“SECTION 6. Notwithstanding any general or special law to the contrary, the executive office of public safety and security will provide an analysis detailing the costs of collecting DNA evidence during felony arrests. The report shall be filed with the clerks of the senate and house of representatives no later than April 1, 2012.”

The amendment was adopted.



Recess. After remarks, at eight minutes before seven o'clock P.M. (Wednesday, November 16), Mr. Bradley of Hingham took the Chair; and, on motion of Mr. O'Flaherty of Chelsea, the House recessed until the twenty minutes after seven o'clock; and at twenty-six minutes after seven o'clock the House was called to order with Mr. Donato of Medford in the Chair.

Quorum. Pending the question on passing the bill, as amended, to be engrossed, Mr. Peterson of Grafton 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 150 members were recorded as being in attendance.

[See Yea and Nay No. 176 in Supplement.]

Therefore a quorum was present.

*Emergency Measure.*

Lincoln and Concord.— There being no objection,— The Chair (Mr. Donato of Medford) interrupted the matter then pending and placed before the House the engrossed Bill relative to the improvement of Route 2, Crosby's Corner Interchange, in the towns of Lincoln and Concord (see Senate, No. 2022, amended) (which originated in the Senate), which, 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.

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),— 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. 177 in Supplement.]

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

*Pending Discharged Matter from the Orders of the Day.*

Sentencing reform.— The House then returned to consideration of the House Bill relative to sentencing and improving law enforcement tools (House, No. 3811, amended).

After remarks on the question on passing the bill, as amended, to be engrossed, Mr. Dempsey of Haverhill moved to amend the it in section 1, in line 8, by striking out the word "and" and inserting in place thereof the word "or"; by inserting after section 2 the following two sections:

"SECTION 2A. Section 33E of chapter 278 of the General Laws, as so appearing, is hereby amended by striking out, in line 9, the word "mean" and inserting in place thereof the following words:— mean: (i).

SECTION 2B. Said section 33E of chapter 278 of the General Laws, as so appearing, is hereby further amended by striking out, in line 11, the word "degree" and inserting in place thereof the following words:— degree; or (ii) the third conviction of a habitual offender pursuant to subsection (b) of section 25 of chapter 279"; in section 3, in line 18, by striking out the following: "prison for a term of not less than 3 years" and inserting in place thereof the words "state prison or state correctional facility"; in line 21, by striking out the words "the state prison" and inserting in place thereof the words "state prison or state correctional facility"; in line 24, by striking out the following: "13H, 13J, and 13K" and inserting in place thereof the following: "13J, subsection (b) or (c) of section 13K"; in line 27, by striking out the figures: "17, 18," in line 28, by striking out the following: "subsection (e) of section 12F of", in line 31, by striking out the words "separate incidents or involving separate victims" and inserting in place thereof the words "charges separately brought and tried, and arising out of separate and distinct incidents that occurred at different times"; in line 32, by inserting after the word "incarceration" the words "at a state prison or state correctional facility"; in lines 36 and 37 by striking out the words "be considered a habitual criminal and punished by imprisonment in the state prison for the maximum term provided by law" and inserting in place thereof the words "shall be considered a habitual offender and shall be punished by incarceration at a state prison or state correctional facility for the maximum term provided by law for said offense enumerated in clause (j)", in lines 39 to 41, inclusive, by striking out the sentence contained in those lines and inserting in place thereof the following sentence: "A sentence imposed on a habitual offender under this section, if said habitual offender is incarcerated at a state prison or state correctional facility, shall commence upon the conclusion of the sentence, said habitual offender is serving at the time of sentencing."; and, in line 48, by striking out the words "the state prison" and inserting in place thereof the words "state prison or state correctional facility". The amendments were adopted.

The Speaker being in the Chair,— After debate on the question on passing the bill, as amended, to be engrossed, Mr. Peterson of Grafton 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.

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. 178 in Supplement.]

Therefore a quorum was present.

After further debate on the question on passing the bill, as amended, to be engrossed, the Speaker 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.

Quorum.

Quorum.— yea and nay No. 178.

Suspension of Rule 1A.

Rule 1A suspended,—yea and nay No. 179.

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 124 members voted in the affirmative and 29 in the negative.

[See Yea and Nay No. 179 in Supplement.]

Therefore Rule 1A was suspended.

Bill passed to be engrossed,—yea and nay No. 180.

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 Mr. O’Flaherty of Chelsea; and on the roll call 142 members voted in the affirmative and 12 in the negative.

[See Yea and Nay No. 180 in Supplement.]

Therefore the bill, as amended, was passed to be engrossed.

The bill (House, No. 3818, published as amended) then was sent to the Senate for concurrence.

Emergency Measures.

“Evergreen” collective bargaining.

The engrossed Bill relative to the terms of collective bargaining agreements (see House, No. 3789, 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 60 to 0. Sent to the Senate for concurrence.

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

Bill enacted,—yea and nay No. 181.

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. Walsh of Boston; and on the roll call 151 members voted in the affirmative and 2 in the negative.

[See Yea and Nay No. 181 in Supplement.]

[Ms. Atkins of Concord answered “Present” in response to her name.]

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

Liquor licenses.

Mr. Donato of Medford being in the Chair,— The engrossed Bill further regulating certain licenses for the sale of alcoholic beverages (see Senate, No. 2033, 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 60 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.

The engrossed Bill relative to collective bargaining rights for employees of the Massachusetts Bay Transportation Authority (see Senate, No. 2066, 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.

MBTA,—collective bargaining.

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 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 Jacqueline Enno, an employee of the Department of Developmental Services (see Senate, No. 2068), 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.

Jacqueline Enno,—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 54 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 congressional districts (see House bill printed in House, No. 3798, Appendix. A, 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.

Congressional redistricting.

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 27 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 contract procedures in the city of Boston (see Senate, No. 1054); Relative to the Sandwich Economic Initiative Corporation (see Senate, No. 1928); Exempting the position of police chief in the town of Marblehead from the civil service law (see Senate, No. 1929);

Bills enacted.

(Which severally originated in the Senate); and

Prohibiting the use of credit in underwriting and rating private passenger motor vehicle insurance (see House, No. 3795) (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.

*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.

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Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at a twenty-three minutes after nine o'clock P.M. (Wednesday, November 16), 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.