

JOURNAL OF THE HOUSE.

Wednesday, February 8, 2012.

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

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

Silent Prayers.

At the request of Representatives Timilty of Milton, Mariano of Quincy, Rogers of Norwood, Galvin of Canton, Kafka of Stoughton, Honan of Boston, Murphy of Burlington, Nyman of Hanover and all the members serving in the Executive Council's Second District, the members, guests and employees stood for a moment of silent tribute in memory of Coucillor Kelly A. Timilty, a member of the Executive Council from the Second District from 1995 to 2012, inclusive. Kelly A. Timilty.

At the request of Representatives Rogers of Norwood, Barrows of Mansfield, Kafka of Stoughton and Poirier of North Attleborough, the members, guests and employees stood for a moment of silent tribute in memory of U.S. Army Specialist Keith D. Benson of Norwood, who was killed on January 18, 2012, while serving as a combat medic in Afghanistan. U.S. Army Specialist Keith D. Benson.

He was the beloved son of Kathleen (Short) Benson of Norwood and David Benson of Mansfield.

*Statement Concerning Representative
Coakley-Rivera of Springfield.*

A statement of Mr. Rushing of Boston 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, 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.

Address of Speaker Robert A. DeLeo of Winthrop.

The noon recess having terminated (Mrs. Haddad of Somerset being in the Chair),— the address of Speaker Robert A. DeLeo of Winthrop to the Citizens of the Commonwealth was spread upon the records of the House, there being no objection, as follows: Address of Speaker Robert A. DeLeo of Winthrop.

Members of the House, welcome. I thank you for giving me this time to talk with you today.

But before we begin, on behalf of the House of Representatives, I'd like to extend my condolences to the families of two public servants we recently lost – Mayor Kevin White and Governor's Councillor Kelly Timilty.

Address of
Speaker
Robert A.
DeLeo of
Winthrop.

More than three years ago, you chose me to lead this House. I want you to know that I appreciate that honor as much now as I did then.

And, as we gather, I'd like to recognize one of our members who has returned to us recently after serving in the Army in Iraq. Representative Jerry Parisella. Welcome home.

Representative Parisella, Chairman Vallee and Chairman Naughton, who is currently serving in Afghanistan, and former Representative, now Senator Rush, are all citizen-soldiers, who have made numerous sacrifices for our nation.

This House embodies public service. Even in the toughest times, the fourth year of the worst financial downturn since the Great Depression, you have demonstrated a remarkable record of achievement and commitment to the public good.

The steps we have taken as a legislature have insulated our Commonwealth from the more dire conditions other states have experienced. In Massachusetts, there have been no lawsuits between the different branches. In Massachusetts, we have delivered our budgets on time and remained committed to fiscal stability as evidenced by our strong stabilization fund. As other states and nations have seen their credit standing falter, we have seen Standard and Poor's increase our bond rating to the highest point in the state's history, AA+.

We should all be proud of our work.

Massachusetts stands as a remarkable example of cooperation and partnership. We have worked together as a House. As a body, the House has worked with the Senate, and as a Legislature we have worked with the Governor to get things done.

Our success stands in direct contrast with the goings-on in Washington where too often progress is obstructed by political gamesmanship. And we don't want that to happen here.

Our work has won national acclaim. Look no further than last year's municipal healthcare reform, which is expected to save far more than \$100 million for cities and towns annually. When Governor Patrick signed the bill last summer, union leaders stood with municipal officials and good government advocates alike. This action will save the jobs of fire fighters, police, teachers and DPW workers in the cities and towns of our Commonwealth.

Our pension reform will save five billion dollars over the next 30 years.

Our gaming legislation will generate thousands of jobs and hundreds of thousands of dollars in annual revenue in the years ahead and help to address what is referred to as "the blue collar depression".

We have also turned our attention to restoring public trust on Beacon Hill. Our redistricting plan has won the praise of advocacy groups, public officials and the press because of unprecedented transparency and public involvement. We passed a judicial reorganization and probation reform plan that received the support of Chief Justice Roderick Ireland and other justices of the Supreme Judicial Court as well as good government advocates.

Even as we've begun our new initiatives to close the achievement gap, we remained the number 1 state in the nation as determined by the National Assessment for Educational Progress, the so-called "nation's report card" which tests students across the nation. We are widely rec-

ognized as a national leader and are at the top at promoting educational success for our students.

We are justifiably proud of our accomplishments but this is no time to rest: We must work to maintain our competitive edge.

I hear time and time again from business leaders that predictability and consistency in the tax code are what's most important. For the past two years, this House has rejected balancing the budget with new taxes and fees. Any changes to revenue policy should be approached with extreme caution and should never be done piecemeal. As such, we will release a budget from the House committee on Ways and Means that does not rely on new taxes and fees.

In the midst of our relative success in weathering the recession, I have noticed developments that drew my attention and offer opportunities for improvement.

As I meet with business leaders across the state, increasingly I am hearing about us losing the innovation battle to other states. Too often, I'm learning that our innovators and entrepreneurs are packing-up and leaving. I don't like seeing Massachusetts finish second to any other state.

I was struck with a sense of lost opportunity, when I heard comments from Mark Zuckerberg, the founder of Facebook, saying if he had it to do over again, he would have kept his innovative company in Massachusetts. Think of it. This is a company with three billion seven hundred thousand dollars in annual revenues and recently announced plans for what is sure to be a multi-billion dollar initial public offering and it could have been based in our state.

We must do everything we can to create the most competitive economic climate. To Mark Zuckerberg, and other leaders of new companies, we want you here.

And for those who are starting companies in Massachusetts, we want you to stay. In this legislative session, I will look to find opportunities to create a friendlier, better climate for the creation of new jobs.

Whether it's blue-collar jobs, life sciences, green jobs, or manufacturing, our focus has been and will remain on growing employment opportunities for our residents. Just as in 2010, when we reorganized our economic development agencies through a measure that streamlined the system and saves taxpayers millions of dollars every year, we will continue to focus on legislation that promotes economic growth, strengthens our fiscal stability and creates good jobs throughout the Commonwealth.

In this session, we will pursue policies to maintain Massachusetts' competitive edge in the innovation economy and continue to attract the investment and jobs that come with it. And we must continue to prepare our students to fill those jobs by strengthening our commitment to education in the STEM fields of science, technology, engineering, and math.

We can also generate new investment by continuing to make it easier for businesses to start, locate, and expand here. Massachusetts has successfully nurtured new economic activity by pioneering innovative approaches to development and public infrastructure improvements. We will build on that success by exploring new ideas that promote growth and improve public services. And for businesses already com-

Address of
Speaker
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mitted to growing here, we will make it easier for them to recover from the recession and get their projects back on track. By facilitating new development, we can create jobs across industry sectors, across pay scales, and across the Commonwealth.

As we pay attention to start-ups and the innovation economy, we also are focused on the workforce of the future. We in the House have long believed that we can do a better job of making sure our community colleges address the needs of potential employers.

That said, we know that community colleges are important gateways for the student who is in pursuit of a four-year degree. Thanks to an innovative transfer compact, universities, such as Salem State, routinely accept credits for students who have attended community colleges. Others, such as UMass-Lowell, in turn, recruit and welcome students who receive the pre-requisites at community colleges.

I have also long recognized community colleges as an important piece of our state's ability to attract and retain employers. Community colleges can build on their existing relationships with our state university system as well as their own capacity to prepare individuals with skills to support our existing and emerging industries. With greater coordination and support these institutions can be an even more vibrant and integrated component in our overall workforce development system here in the Commonwealth.

Because of the important role community colleges play in workforce development, we designated forty-five million dollars of gaming revenue to support colleges in this work. In addition, we designated approximately twenty-million-dollar-per-year in annual revenue for higher education.

We look forward to working with the business community, educators and Administration to achieve our goals.

These funds can support and build upon the ongoing work of our colleges with employers such as General Electric, Raytheon and Partners Healthcare to prepare students for the demands of the workplace by meshing hands-on training with classroom instruction.

As I meet with small businesses across the state, I frequently hear about the high cost of health care. I remain committed to reforming our health care system. Last year, I asked Chairman Steven Walsh and members of the Committee on Health Care Financing to travel the state, visit providers in our communities, meet with health plans, and, most importantly, actively engage consumers to develop a well thought-out plan we can all be proud of.

Signs are encouraging. Already the market is responding. Health insurers are forging agreements with health care providers to cut costs.

And we can do more.

We can, I believe, reach broad agreement to significantly cut the cost growth of our health care sector while improving upon our already extremely high standards of quality-care and innovation. We will continue to monitor the market disparity between our large providers and those in your neighborhoods that are offering low-cost high-quality care and we will thoughtfully implement the most appropriate mechanisms for balancing out the system. More importantly, we will build on existing "system-transparency and disclosure-initiatives" in order to provide consumers with all of the information they will need.

Health care is extremely personal. When we are at a time of need, we want to make sure we are able to get the very best care available. That will not change under any plan offered in this House. Nevertheless, we have to find ways to reward quality and efficiency and make sure our system is sustainable for years to come.

There is no question that the past years have been challenging. But you, the members of the House, have risen to the challenge. You have helped Massachusetts outpace the nation. In the coming weeks, we will all be challenged again. Once again, I am confident, that we will meet that challenge and thrive.

God Bless the House of Representatives, the Commonwealth of Massachusetts and the United States of America. Thank you.

Resolutions.

Resolutions (filed with the Clerk by Mr. Durant of Spencer) congratulating William Hultgren on the occasion of his retirement from the Charlton Planning Board, were referred, under Rule 85, to the committee on Rules.

William
Hultgren.

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

Petitions.

Representative Fernandes of Milford and Senator Moore presented a joint petition (accompanied by bill, House, No. 3937) of John V. Fernandes and Richard T. Moore (by vote of the town) relative to authorizing the town of Hopedale to allow direct deposit of receipts into certain funds; and the same was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Hopedale,—
direct
deposits.

Petitions severally were presented and referred as follows:

By Representative O'Day of West Boylston and Senator Chandler, a joint petition (subject to Joint Rule 12) of James J. O'Day and others for legislation to extend certain benefits for public employees serving on active duty in the armed forces.

Public
employees,—
active duty.

By Mr. Walsh of Boston, a petition (subject to Joint Rule 12) of Martin J. Walsh and others for legislation to designate the second week of May as Williams Syndrome Awareness Week.

Williams
Syndrome
Awareness
Week.

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

Papers from the Senate.

A Bill to promote environmentally sound transportation of agricultural products (Senate, No. 2118) (on Senate bill No. 2077), passed to be engrossed by the Senate, was read; and it was referred under Rule 33, to the committee on Ways and Means.

Agricultural
products,—
transportation.

A petition of Mark C. Montigny and Antonio F. D. Cabral for legislation to establish a sick leave bank for Carl Senna, an employee of the Department of Correction, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

Carl Senna,—
sick leave
bank.

Carl Senna,—
sick leave
bank.

The House then concurred with the Senate in the suspension of Joint Rule 12; and the petition (accompanied by bill, Senate, No. 2131) was referred, in concurrence, to the committee on Public Service.

Bourne
Water
District.

A petition of Therese Murray, David Vieira, Susan Williams Gifford and Randy Hunt for legislation to authorize a lease of a certain parcel of land under the control of the Department of Fish and Game to the Bourne Water District for water distribution purposes, came from the Senate referred, under suspension of Joint Rules 12 and 9, to the committee on State Administration and Regulatory Oversight.

The House then concurred with the Senate in the suspension of said rules; and the petition (accompanied by bill, Senate, No. 2130) was referred, in concurrence, to the committee on State Administration and Regulatory Oversight.

Reports of Committees.

Dighton
Water
District.

By Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rules 12 and 9 be suspended on the petition of Patricia A. Hadad and Marc R. Pacheco (by vote of the town) relative to the Dighton Water District in the town of Dighton. Under suspension of the rules, on motion of Mr. Speliotis of Danvers, the report was considered forthwith. Joint Rules 12 and 9 were suspended; and the petition (accompanied by bill) was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

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

Solar
energy,—
zoning.

Petition (accompanied by bill) of Susan Williams Gifford and others for legislation to include the installation of solar energy systems or the building of structures to facilitate the collection of solar energy under local zoning ordinances or by-laws. To the committee on Municipalities and Regional Government.

Kristen
Robinson,—
sick leave.

Petition (accompanied by bill) of John V. Fernandes and Richard T. Moore for legislation to establish a sick leave bank for Kristen Robinson, an employee of the Department of Correction. To the committee on Public Service.

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

Condo-
miniums,—
study.

By Mr. Honan of Boston, for the committee on Housing, on House, No. 372, a Bill relative to a special commission to study condominium law (House, No. 3933). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Holyoke,—
land.

By Mr. Kocot of Northampton, for the committee on State Administration and Regulatory Oversight, on a joint petition, a Bill to convey a certain parcel of land in Holyoke to Holyoke Community College (House, No. 3849).

By the same member, for the same committee, on a joint petition, a Bill authorizing the Department of Fish and Game to exchange certain property in the town of Shirley for other property in the same town (House, No. 3860).

Shirley,—
land.

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

By Mr. Honan of Boston, for the committee on Housing, on a petition, a Bill relative to record keeping for condominiums (House, No. 1547).

Condo-
miniums,—
record
keeping.
Truro,—
land.

By Mr. Kane of Holyoke, for the committee on Municipalities and Regional Government, on a joint petition, a Bill relative to the exchange of certain land in the town of Truro (House, No. 3312) [Local Approval Received].

By the same member, for the same committee, on a message from His Honor the Lieutenant-Governor, Acting Governor, a Bill validating the actions taken at a certain town meeting in the town of Abington (printed in House, No. 3843).

Abington,—
town
meeting.

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

By Mr. Michlewitz of Boston, for the committee on Election Laws, on a petition, a Bill to designate an additional voting precinct in the city of Quincy (House, No. 3899) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Quincy,—
precinct.

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

Under suspension of the rules, on motion of Mr. Mariano of Quincy, the bill was read a second time and (having been reported by the committee on Bills in the Third Reading to be correctly drawn) a third time forthwith; and it was passed to be engrossed, its title having been changed by said committee to read: An Act designating an additional voting precinct in the city of Quincy. Sent to the Senate for concurrence.

By Mr. Michlewitz of Boston, for the committee on Election Laws, on a message from His Excellency the Governor, a Bill establishing a voting precinct in the town of Hingham (printed in House, No. 3907). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Hingham,—
precinct.

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

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

Subsequently under suspension of the rules, on motion of Mr. Bradley of Hingham, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Emergency Measures.

Supplemental appropriations.

The engrossed Bill making appropriations for the fiscal year 2012 to provide for supplementing certain appropriations and for certain other activities and projects (see Senate, No. 2112, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 5 to 0. Sent to the Senate for concurrence.

Bill enacted.

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

Frank Silveira,— sick leave bank.

The engrossed Bill establishing a sick leave bank for Frank Silveira, an employee of the Department of Revenue (see Senate, No. 2117), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 8 to 0. Sent to the Senate for concurrence.

Bill enacted.

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

Orders of the Day.

Second reading bill amended.

The Senate Bill protecting lakes and ponds from aquatic nuisances (Senate, No. 1904), was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 3908,— was adopted.

The bill, as amended, then was ordered to a third reading.

Id.

The Senate Bill improving water safety for children in the Commonwealth (Senate, No. 2075), was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 3880,— was adopted.

The bill, as amended, then was ordered to a third reading.

Id.

The House Bill authorizing certain licensees of the Division of Banks to participate in a multi-state licensing system (House, No. 3727), was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 3911),— was adopted. The substituted bill then was ordered to a third reading.

Recess.

At half past twelve o'clock noon, on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock, and at six minutes after one o'clock the House was called to order with Mrs. Haddad of Somerset in the Chair.

Recess.

Engrossed Bill.

Mr. Bradley of Hingham being in the Chair,—

The engrossed Bill establishing a voting precinct in the town of Hingham (see House bill printed in House, No. 3907) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

Hingham,— precinct.

Engrossed Bill — Land Taking.

Mrs. Haddad of Somerset being in the Chair,—

The engrossed Bill authorizing the town of Norton to grant easements and restrictions over certain town-owned land (see House, No. 3431) (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.

Norton,— 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 passed to be engrossed,— yeas and nays No. 190.

[See Yeas and Nays No. 190 in Supplement.]

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

Orders of the Day.

The House Bill relative to oversight of private occupational schools (House, No. 3512), was read a second time.

Private occupational schools,— oversight.

Pending the question on the adoption of the amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 3625),— Mr. Peterson of Grafton moved that the proposed substitute bill be amended in section 5 by striking out the paragraph contained in lines 285 to 291, inclusive, and inserting, in place thereof, the following paragraph:

“(r) There shall be, within the division, an advisory council on private occupational schools which shall consist of 12 members as

Private occupational schools—oversight.

follows: the state auditor, ex officio, or his designee; the secretary of education, ex officio, or his designee; the secretary of labor and workforce development, ex officio, or his designee; the undersecretary of the office of consumer affairs and business regulation, ex officio, of his designee; and 8 members to be appointed by the director of the division, 1 of whom shall be the president of the Massachusetts association of private career schools, ex officio, or his designee, and 7 of whom shall have knowledge and understanding of the fiscal, educational, workforce development, and consumer protection issues relating to post-secondary education.”

The further amendment was adopted.

Mr. Sannicandro of Ashland then moved that the proposed substitute bill be amended in section 5, in line 35, by inserting after the word “schools” the following: “; provided, that the division shall adopt a procedure for managing appeals of decisions relative to curriculum, instructors and staff”; in line 97, by inserting after the word “writing,” the following sentence: “The applicant may file an appeal to the undersecretary of the office of consumer affairs and business regulation within 10 business days.”; in line 282, by striking out the words “so accredited if it is not” and inserting in place thereof the words “an accredited school unless it is accredited by a national or regional accrediting agency recognized by the federal Department of Education.”; and by striking out section 9 and inserting in place thereof the following two sections:

“SECTION 9. Notwithstanding any general or special law to the contrary, the comptroller shall transfer into account 7006-0151 any and all amounts paid into the general fund pursuant to sections 1 to 11 of chapter 75C, sections 1 to 14 of chapter 75D and sections 20A to 21G of chapter 93 of the General Laws after July 1, 2011, up to an amount such that the total amount deposited to said account during fiscal year 2012 shall be \$196,000.

SECTION 10. Chapter 68 of the acts of 2011 is hereby amended, in section 2, in item 7006-0151 by striking the figure ‘\$540,123’ and inserting in place thereof the figure:— \$196,000.”. The further amendments were adopted.

The amendment previously recommended by Ways and Means, as amended, also was adopted; and the substituted bill (House, No. 3625, amended) was ordered to a third reading.

Anatomical gift act.

The Senate Bill adopting the revised uniform anatomical gift act (Senate, No. 2067), was read a second time; and it was ordered to a third reading.

Subsequently under suspension of the rules on motion of Mr. Sánchez of Boston, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time, it title having been changed by said committee to read: “An Act relative to the revised uniform anatomical gift act.”

Bill passed to be engrossed,—yea and nay No. 191.

After remarks on the question on passing the bill to be engrossed, in concurrence, the sense of the House taken by yeas and nays, at the request of Mr. Sánchez; and on the roll call 155 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 191 in Supplement.]

Therefore the bill (Senate, No. 2067) was passed to be engrossed, in concurrence.

The Senate Bill providing access to forensic and scientific analysis (Senate, No. 1987, amended), was read a second time; and it was ordered to a third reading.

Forensic and scientific analysis.

Subsequently under suspension of the rules, on motion of Mr. O’Flaherty of Chelsea, 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, in concurrence, Messrs. Jones of North Reading and Peterson of Grafton moved to amend it by adding the following four sections:

“SECTION 19. Chapter 22E of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out section 3 and inserting in place thereof the following section:—

Section 3. Any person who is arrested by virtue of process, or is taken into custody by an officer and charged with the commission of a felony, and who upon arrest has been arraigned pursuant to the applicable court rules under the Massachusetts Rules of Criminal Procedure, shall submit a DNA sample to the department. The sample shall be collected by a person authorized under section 4 of this chapter subsequent to arraignment, in accordance with regulations or procedures established by the director. The results of such sample shall be made part of the state DNA database.

SECTION 20. Section 12 of said chapter 22E, as so appearing, is hereby amended by striking out, in line 6, the figure ‘\$1,000’ and inserting in its place thereof the following figure:— \$2,000,— and by striking out, in line 7, the words ‘six months’ and inserting in place thereof the following words:— 1 year.

SECTION 21. Section 13 of said chapter 22E, as so appearing, is hereby amended by striking out, in line 4, the figure ‘\$1,000’ and inserting in its place thereof the following figure:— \$2,000,— and by striking out, in line 5, the words ‘six months’ and inserting in place thereof the following words:— 1 year.

SECTION 22. Section 15 of said chapter 22E, as so appearing, is hereby amended by inserting after the word ‘expunged’, in line 3, the following: if the original offense upon which the collection of DNA is based does not result in a conviction; or.”

After debate on the question on adoption of the amendment, the sense of the House taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 34 members voted in the affirmative and 121 in the negative.

Amendment rejected,—yea and nay No. 192.

[See Yea and Nay No. 192 in Supplement.]

Therefore the amendment was rejected.

On the question on passing the bill to be engrossed, in concurrence, the sense of the House taken by yeas and nays, at the request of Mr. Fernandes of Milford; and on the roll call (Ms. Reinstein of Revere being in the Chair) 155 members voted in the affirmative and 0 in the negative.

Bill passed to be engrossed,—yea and nay No. 193.

[See Yea and Nay No. 193 in Supplement.]

Therefore the bill (Senate, No. 1987, amended) was passed to be engrossed, in concurrence.

The Senate Bill relative to renewable energy generation on closed landfills (Senate, No. 2074), was read a second time.

Closed landfills,—renewable energy.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by striking out all after

Closed
landfills,—
renewable
energy.

the enacting clause and inserting in place thereof the text contained in House document numbered 3912,— was adopted; and the bill, as amended, was ordered to a third reading.

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

After debate on the question on passing the bill, as amended, to be engrossed, in concurrence, Mr. Winslow of Norfolk moved to amend it in section 4, in line 14, by inserting after the word “use” the following: “; provided, however, that no such deed restriction may be amended for any closed landfill located within 500 feet of a residential dwelling.” The amendment was rejected.

Bill passed to
be engrossed,—
yea and nay
No. 194.

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

[See Yea and Nay No. 194 in Supplement.]

Therefore the bill (Senate, No. 2074, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment.

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.

At sixteen minutes before four o'clock P.M., on motion of Mr. Peterson of Grafton (Ms. Reinstein of Revere being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.