

The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



TUESDAY, JULY 28, 2009.

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JOURNAL OF THE HOUSE.

Tuesday, July 28, 2009.

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).

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 Ms. Ferrante of Gloucester, the members, guests and employees stood in a moment of silent prayer in respect to the memory of Louis Aiello, a retired Captain of the Gloucester Fire Department.

Fire Captain
Louis Aiello.

At the request of Ms. Ferrante of Gloucester, the members, guests and employees stood in a moment of silent prayer in respect to the memory of Joan A. Giacalone, a former City Council President of the Gloucester City Council.

Joan A.
Giacalone

At the request of Mr. Finegold of Andover and L'Italien of Andover, the members, guests and employees stood in a moment of silent prayer in respect to the memory of Jerry Silverman, a long time serving Selectman for the town of Andover.

Jerry
Silverman

At the request of Ms. Gobi of Spencer, the members, guests and employees stood in a moment of silent prayer in respect to the memory of Patrick Dunlavey who was in his 21st year as Selectman in the town of Templeton. Pat was a United States Air Force veteran of the Korean War, and also served as Police Chief in the town of Mendon and also the town of Templeton. Pat is survived by his wife Julianna of the town of Templeton.

Patrick
Dunlavey.

Message from the Governor.

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the acts and proceedings of the 2009 spring annual town meeting and 2009 special town meeting of the town of Westminster (House, No. 4179), was filed in the office of the Clerk on Monday, July 27.

Westminster,—
town meetings.

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

Statement Concerning Representative Bosley of North Adams.

A statement of Mr. Vallee of Franklin concerning Mr. Bosley of North Adams was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Mr. Bosley of North Adams will be unable to be present in the House Chamber for a portion of today's sitting due business outside the State House. His missing of roll calls today will be due entirely to the reason stated.

Statement concerning Representative Bosley of North Adams.

Statement of Representative Driscoll of Braintree.

A statement of Mr. Driscoll of Braintree was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was not present in the House Chamber for a portion of today's sitting due to a scheduling conflict. If I had been present for the taking of roll call numbers 175 to 189, inclusive, I would have voted in the affirmative, in each instance. My missing of roll calls today was due entirely to the reason stated.

Statement of Representative Driscoll of Braintree.

Statement Concerning Representative Naughton of Clinton .

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

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Naughton of Clinton, will not be present in the House Chamber for today's and tomorrow's sittings due to his military obligation. His missing of roll calls today and tomorrow is due entirely to the reason stated.

Statement concerning Representative Naughton of Clinton.

Resolutions.

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

Resolutions (filed by Messrs. Kafka of Stoughton and Galvin of Canton) congratulating the Portuguese National Club on the celebration of their seventy-fifth anniversary;

Portuguese National Club.

Resolutions (filed by Ms. Polito of Shrewsbury) honoring the Orissa Society of New England as they celebrate their twenty-fifth anniversary;

Orissa Society.

Resolutions (filed by Mr. Ross of Wrentham) congratulating Courtney Buchanan of Wrentham on receiving the Gold Award of the Girls Scouts of America;

Courtney Buchanan.

Resolutions (filed by Mr. Ross of Wrentham) congratulating Faye Charpentier of Wrentham on receiving the Gold Award of the Girls Scouts of America; and

Faye Charpentier.

Resolutions (filed by Mr. Ross of Wrentham) congratulating Caitlyn Doucette of Plainville on receiving the Gold Award of the Girls Scouts of

Caitlyn Doucette.

America;

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

Paper from the Senate.

A petition (accompanied by bill, Senate, No. 2116) of Steven C Panagiotakos, Thomas A. Golden, Jr., Kevin J. Murphy and David M. Nangle (with the approval of the mayor and city council) for legislation relative to elections in the city of Lowell in the current year, was referred, in concurrence, to the committee on Election Laws.

Lowell,—
election.

Reports of Committees.

By Mr. Murphy of Burlington, for the committee on Ways and Means, asking to be discharged from further consideration

Social worker's
board.

Of the Bill to modernize the Board of Registration of Social Workers (House, No. 174), - And recommending that the same be referred to the committee on Consumer Protection and Professional Licensure; and

Of the petition (accompanied by bill, (Senate, No. 747) of Robert A. O'Leary for legislation relative to Martha's Vineyard Hospital, - And recommending that the same be referred to the committee on State Administration and Regulatory Oversight.

Martha's Vineyard
Hospital.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence in the reference.

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

House bills:

Authorizing the abatement of certain property tax assessments in the town of Lexington (House, No. 1135);

Lexington.

Relative to the concurrent jurisdiction over the former Devens Military Base (House, No. 1996);

Devens Military
Base.

Authorizing the town of Fairhaven to assess as a betterment to those affected properties, the costs incurred by the town to provide design and construction data to the Federal Emergency Management Agency in order to credit the Fairhaven portion of the New Bedford Hurricane Barrier with protection of certain areas of the town of Fairhaven from flood hazard (House, No. 3473);

Fairhaven.

Establishing the Center Pond Restoration and Protection District in the town of Becket (House, No. 3701);

Becket.

To establish the Sherwood Forest Lake District (House, No. 3702);

Sherwood Forest.
Natick.

Authorizing the town of Natick to lease certain property (House, No. 3705); and

Authorizing the city of Melrose to establish traffic safety zones

Melrose.

UNCORRECTED PROOF.

(House, No. 4055);

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

Emergency Measure.

The engrossed Bill establishing a sick leave bank for Kathleen Ginn, an employee of the Department of Developmental Services (see Senate, No. 2089), 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.

Margaret Freddie Purcell,—
sick leave.

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

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

Bill enacted.

Engrossed Bills.

The engrossed Bill providing for reporting dates for capital gains revenue and transferring certain fund (see House, No. 4142, amended) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Bill
re-enacted.

Engrossed bills

Establishing a sick leave bank for Mary F. Keeler, an employee of the Trial Court (see House, No. 1138); and

Bills
Enacted.

Establishing a sick leave bank for Gayle Tickel, an employee of the Department of Correction (see House, No. 1155, amended);

(Which Severally originated in the House);

In respect to each of which the Senate had concurred in adoption of the emergency preamble, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

The engrossed Bill relative to the naming of the Joseph P. O'Loughlin Pond (see House, No. 717) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Orders of the Day.

Senate bills

Relative to the use of certain bond proceeds in the town of Rutland

Second reading
bills.

UNCORRECTED PROOF.

(Senate, No. 2033); and

Relative to the recreation revolving fund in the town of Rutland (Senate, No. 2077); and

House bills

Designating the Mary L. Girouard Flagpole (printed as Senate, No. 1470);

Amending the requirements for barber instructors (House, No. 255);

Relative to a conveyance of land in the town of East Longmeadow (House, No. 610);

Relative to changes to the charter of the town of Lunenburg (House, No. 635);

Relative to the establishment of an enterprise fund for the Brook School Apartments in the town of Weston (House, No. 1124);

Relative to the town of Nahant's ability to issue bond anticipation notes (House, No. 1133);

Authorizing the town of Natick to establish a separate fund for acquisition and construction of new parking (House, No. 3706);

Authorizing the town of Brookline to lease town owned property for an additional thirty years (House, No. 3711);

Authorizing the town of Brookline to lease town owned property for an additional twenty years (House, No. 3713);

Amending Chapter 472 of the Acts of 1998 to allow the town of Brookline to create an independent autonomous seven-member board to supervise, manage and invest the Retiree Healthcare Liability Trust Fund in order to comply with the requirements of statement 43 of the Governmental Accounting Standards Board and to authorize the board of selectmen to appoint two members to said board (House, No. 3714);

Amending Chapter 534 of the Acts of 1973 relative to the Office of Chief of the Fire Department of the town of Brookline (House, No. 3826);

Relative to the town of Paxton (House, No. 4041); and

To amend the charter of the town of Provincetown (House, No. 4135).

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

At seventeen minutes after eleven o'clock A.M., on motion of Ms. Wolf of Cambridge (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at fourteen minutes after one o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Recess.

The engrossed Bill providing for the issuance of certain veterans' plates by the Registrar of Motor Vehicles (see House, No. 4144), being a printed copy of Section 66 contained in the engrossed Bill making appropriations for the fiscal year 2010 (see House, No. 4129), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see attachment G of House, No. 4139), was considered.

Veterans' plates, —
issuance.

UNCORRECTED PROOF.

The committee on Bills in the Third Reading reported that the amendment recommended by the Governor be considered in the form approved by said committee; and the report was accepted. The amendment then was adopted. Sent to the Senate for its action.

The engrossed Bill prohibiting health care facilities from charging for certain services (see House, No. 4145), being a printed copy of Section 76 contained in the engrossed Bill making appropriations for the fiscal year 2010 (see House, No. 4129), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see attachment H of House, No. 4139), was considered.

Health care facilities, — charges.

The committee on Bills in the Third Reading reported that the amendment recommended by the Governor be considered in the form approved by said committee; and the report was accepted. The amendment then was adopted. Sent to the Senate for its action.

The engrossed Bill providing for the transfer of certain funds to the General Fund (see House, No. 4150), being a printed copy of Section 130 contained in the engrossed Bill making appropriations for the fiscal year 2010 (see House, No. 4129), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see attachment M of House, No. 4139), was considered.

Life Sciences Investment Fund.

The committee on Bills in the Third Reading reported that the amendment recommended by the Governor be considered in the form approved by said committee; and the report was accepted.

Pending the question on adoption of the amendment recommended by the Governor, Mr. Murphy of Burlington moved to amend the amendment by striking out the text contained therein and inserting in place thereof the following:

“That the bill be amended by striking out all after the enacting clause and inserting in place thereof the following:—

Notwithstanding any general or special law to the contrary, the comptroller shall transfer the following amounts to the General Fund after notice from the secretary of the executive office for administration and finance that sufficient funds are available:

- (a) \$1,963,761 from the Massachusetts Alternative and Clean Energy Investment Trust Fund, established in section 35FF of chapter 10 of the General Laws;
- (b) \$7,000,000 from the Smart Growth Housing Trust Fund established in section 35AA of chapter 10 of the General Laws;
- (c) \$3,000,000 from the County Registers Technological Fund, established in section 2KKK of chapter 29 of the General Laws;
- (d) \$2,000,000 from the Massachusetts Science, Technology Engineering, and Mathematics Grant Fund established in section 2MMM of chapter 29; and
- (e) \$3,392,263 from the Commonwealth Covenant Fund established in section 35EE of chapter 10 of the General Laws; and
- (f) \$1,859,744 from the Massachusetts Board of Higher Education Scholar-Internship Match Fund.”.

The further amendment was adopted, thus precluding a vote on the amendment recommended by the Governor. Sent to the Senate for its

action.

The engrossed Bill relative to the Massachusetts Life Sciences Investment Fund (see House, No. 4152), being a printed copy of Section 133 contained in the engrossed Bill making appropriations for the fiscal year 2010 (see House, No. 4129), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see attachment O of House, No. 4139), was considered.

Life Sciences
Investment Fund.

The committee on Bills in the Third Reading reported that the amendment recommended by the Governor be considered in the form approved by said committee; and the report was accepted. The amendment then was rejected. Sent to the Senate for its action.

The engrossed Bill relative to development in the towns of Monson and Templeton (see House, No. 4153), being a printed copy of Section 144 contained in the engrossed Bill making appropriations for the fiscal year 2010 (see House, No. 4129), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see attachment P of House, No. 4139), was considered.

Monson and
Templeton,—
development.

The committee on Bills in the Third Reading reported that the amendment recommended by the Governor be considered in the form approved by said committee; and the report was accepted. The amendment then was adopted. Sent to the Senate for its action.

Reports of Committees.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill Adopting The Federal Secure And Fair Enforcement For Mortgage Licensing Act Of 2008 (House, No. 4127) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4178). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Safe mortgage
enforcement.

Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Mariano of Quincy, the bill was read a second time forthwith. The amendment recommended by the committee on Ways and Means was adopted.

After remarks 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. Koutoujian of Waltham; and on the roll call 155 members voted in the affirmative and 0 in the negative.

Bill ordered to
a third reading,—
yea and nay
No. 175.

[See Yea and Nay No. 175 in Supplement.]

Therefore the bill was ordered to a third reading.

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

Mr. Murphy of Burlington, for the committee on Ways and Means, on

General
Appropriation

a message from His Excellency the Governor (for message, see House, No. 4139), returning with his disapproval of certain items and sections and parts of certain items, and reductions in certain items, and also with recommendation of amendment of certain sections contained in the engrossed Bill making appropriations for the fiscal year 2010 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4129), reported, in part, that a section and certain items stand (as passed by the General Court). Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee reported, in each instance, that the matters be scheduled for consideration by the House. Under suspension of Rule 7A, in each instance, on motion of Mr. Murphy of Burlington, the reports were considered forthwith.

Section 145 (water infrastructure commission), which had been disapproved by the Governor was considered.

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 2 in the negative.

[See Yea and Nay No. 176 in Supplement.]

Therefore section 145 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 1000-0001 (contained in section 2) (Office of the State Comptroller - administration), which had been disapproved (in part) by the Governor was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 137 members voted in the affirmative and 16 in the negative.

[See Yea and Nay No. 177 in Supplement.]

Therefore item 1000-0001 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 1100-1100 (contained in section 2) (Executive Office for Administration and Finance), which had been disapproved (in part) by the Governor was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 135 members voted in the affirmative and 18 in the negative.

[See Yea and Nay No. 178 in Supplement.]

Therefore item 1100-1100 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.

Bill.

Water infrastructure
commission
section 145
stands,—
yea and nay
No. 176.

Office of the State
Comptroller –
administration
item 1000-0001
stands,—
yea and nay
No. 177.

Executive Office for
Administration and
Finance
item 1100-1100
stands,—
yea and nay
No. 178.

UNCORRECTED PROOF.

Item 1201-0100 (contained in section 2) (Department of Revenue – administration), which had been disapproved (in part) by the Governor was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 179 in Supplement.]

Therefore item 1201-0100 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Department of
Revenue –
administration
item 1201-0100
stands,—
yea and nay
No. 179.

Item 1790-0100 (contained in section 2) (Division of Information Technology-administration), which had been disapproved (in part) by the Governor was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 153 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 180 in Supplement.]

Therefore item 1790-0100 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Division of
Information
Technology-
administration
item 1790-0100
stands,—
yea and nay
No. 180.

Item 2800-0100 (contained in section 2) (Conservation and Recreation-administration), which had been disapproved (in part) by the Governor was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 137 members voted in the affirmative and 17 in the negative.

[See Yea and Nay No. 181 in Supplement.]

Therefore item 2800-0100 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Conservation and
Recreation-
administration
item 2800-0100
stands,—
yea and nay
No. 181.

Item 4403-2000 (contained in section 2) (TAFDC grant payments), which had been disapproved (in part) by the Governor was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 138 members voted in the affirmative and 16 in the negative.

[See Yea and Nay No. 182 in Supplement.]

Therefore item 4403-2000 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.

TAFDC grant
payments
item 4403-2000
stands,—
yea and nay
No. 182.

Item 4408-1000 (contained in section 2) (emergency aid to the elderly, disabled and children), which had been disapproved (in part) by the Governor was considered.

On the question on passing said item, notwithstanding the action of

Emergency aid to

UNCORRECTED PROOF.

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 138 members voted in the affirmative and 16 in the negative.

[See Yea and Nay No. 183 in Supplement.]

Therefore item 4408-1000 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 4800-0015 (contained in section 2) (central and area office administration), which had been disapproved (in part) by the Governor was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 184 in Supplement.]

Therefore item 4800-0015 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7004-0101 (contained in section 2) (emergency assistance – family shelters and services), which had been disapproved (in part) by the Governor was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 138 members voted in the affirmative and 16 in the negative.

[See Yea and Nay No. 185 in Supplement.]

Therefore item 7004-0101 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7010-0033 (contained in section 2) (literacy programs), which had been disapproved (in part) by the Governor was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 136 members voted in the affirmative and 18 in the negative.

[See Yea and Nay No. 186 in Supplement.]

Therefore item 7010-0033 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 8400-0001 (contained in section 2) (Registry of Motor Vehicles), which had been disapproved (in part) by the Governor was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 152 members voted in the affirmative and 2 in the negative.

[See Yea and Nay No. 187 in Supplement.]

Therefore item 8400-0001 passed, notwithstanding the action of the

the elderly, disabled
and children
item 4408-1000
stands,—
yea and nay
No. 183.

Central and area
office administration
item 4800-0015
stands,—
yea and nay
No. 184.

Emergency
assistance – family
shelters and services
item 7004-0101
stands,—
yea and nay
No. 185.

Literacy programs
item 7010-0033
stands,—
yea and nay
No. 186.

Registry of Motor
Vehicles
item 8400-0001
stands,—
yea and nay
No. 187.

Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 8900-0001 (contained in section 2) (Department of Correction), which had been disapproved (in part) by the Governor was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 188 in Supplement.]

Therefore item 8900-0001 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.

Department of
Correction
item 8900-0001
stands,—
yea and nay
No. 188.

Item 8910-0102 (contained in section 2) (Hampden Sheriff's Department - pharmacy), which had been disapproved (in part) by the Governor was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 90 members voted in the affirmative and 64 in the negative.

[See Yea and Nay No. 189 in Supplement.]

Therefore the disapproval of the Governor of a part of item 8910-0102 was sustained. Mr. Bradley of Hingham being in the Chair,— Mr. Murphy of Burlington moved that this vote be reconsidered.

Mr. Jones of North Reading then asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Bradley), 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 (Mr. Petrolati of Ludlow having returned to the Chair) 154 members were recorded as being in attendance.

[See Yea and Nay No. 190 in Supplement.]

Therefore a quorum was present.

After debate on the motion to reconsider, the sense of the House was taken by yeas and nays, at the request of Mr. Murphy of Burlington; and on the roll call 134 members voted in the affirmative and 21 in the negative.

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

Therefore the motion to reconsider prevailed.

On the recurring question on passing item 8910-0102 (contained in section 2), 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 128 members voted in the affirmative and 27 in the negative.

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

Therefore item 8910-0102 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.

Hampden Sheriff's
Department
(pharmacy)
item 8910-0102
veto sustained,—
yea and nay
No. 189.

Quorum.

Quorum roll call,—
yea and nay
No. 190.

Reconsideration
prevailed,—
yea and nay
No. 191.

Hampden Sheriff's
Department
(pharmacy)
item 8910-0102
stands,—
yea and nay
No. 192.

Item 8910-0105 (contained in section 2) (Worcester Sheriff's

Department - pharmacy), which had been disapproved (in part) by the Governor was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 130 members voted in the affirmative and 25 in the negative.

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

Therefore item 8910-0105 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 8910-0107 (contained in section 2) (Middlesex Sheriff's Department - pharmacy), which had been disapproved (in part) by the Governor was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 130 members voted in the affirmative and 25 in the negative.

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

Therefore item 8910-0107 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 8910-0108 (contained in section 2) (Franklin Sheriff's Department - pharmacy), which had been disapproved (in part) by the Governor was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 131 members voted in the affirmative and 25 in the negative.

[See Yea and Nay No. 195 in Supplement.]

Therefore item 8910-0108 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 8910-0110 (contained in section 2) (Hampshire Sheriff's Department - pharmacy), which had been disapproved (in part) by the Governor was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call (Mr. Donato of Medford being in the Chair) 131 members voted in the affirmative and 25 in the negative.

[See Yea and Nay No. 196 in Supplement.]

Therefore item 8910-0110 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 8910-0145 (contained in section 2) (Berkshire Sheriff's Department - pharmacy), which had been disapproved (in part) by the Governor was considered.

Worcester Sheriff's
Department
(pharmacy)
item 8910-0105
stands,—
yea and nay
No. 193.

Middlesex Sheriff's
Department
(pharmacy)
item 8910-0107
stands,—
yea and nay
No. 194.

Franklin Sheriff's
Department
(pharmacy)
item 8910-0108
stands,—
yea and nay
No. 195.

Hampshire
Sheriff's
Department
(pharmacy)
item 8910-0110
stands,—
yea and nay
No. 196.

UNCORRECTED PROOF.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 131 members voted in the affirmative and 26 in the negative.

[See Yea and Nay No. 197 in Supplement.]

Therefore item 8910-0145 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.

Berkshire Sheriff's
Department
(pharmacy)
item 8910-0145
stands,—
yea and nay
No. 197.

Item 8910-0619 (contained in section 2) (Essex Sheriff's Department - pharmacy), which had been disapproved (in part) by the Governor was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 131 members voted in the affirmative and 25 in the negative.

[See Yea and Nay No. 198 in Supplement.]

Therefore item 8910-0619 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.

Essex Sheriff's
Department
(pharmacy)
item 8910-0619
stands,—
yea and nay
No. 198.

Item 4180-0100 (contained in section 2) (Chelsea Soldiers' Home - pharmacy), which had been disapproved (in part) by the Governor was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 140 members voted in the affirmative and 16 in the negative.

[See Yea and Nay No. 199 in Supplement.]

Therefore item 4180-0100 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Chelsea Soldiers'
Home (pharmacy)
item 4180-0100
stands,—
yea and nay
No. 199.

Item 4190-0100 (contained in section 2) (Holyoke Soldiers' Home - pharmacy), which had been disapproved (in part) by the Governor was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 140 members voted in the affirmative and 16 in the negative.

[See Yea and Nay No. 200 in Supplement.]

Therefore item 4190-0100 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Chelsea Soldiers'
Home (pharmacy)
item 4190-0100
stands,—
yea and nay
No. 200.

Item 4510-0108 (contained in section 2B) (pharmacy services chargeback), which had been disapproved (in part) by the Governor was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the

Pharmacy services
chargeback
item 4510-0108

roll call 136 members voted in the affirmative and 21 in the negative.

[See Yea and Nay No. 201 in Supplement.]

Therefore item 4510-0108 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.

stands,—
yea and nay
No. 201.

Paper from the Senate.

The engrossed Bill relative to the district local technical assistance fund (see House, No. 4151) came from the Senate with an amendment inserting before section 1 the following section:

Technical
assistance
fund.

“SECTION 1. Section 2 of chapter 182 of the acts of 2008 is hereby amended in item 7027-0016 by adding the following words:— prior appropriation continued.”

Under suspension of Rule 35, on motion of Mr. Alicea of Charlton, 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.

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

Next
sitting.

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