

JOURNAL OF THE HOUSE.

Tuesday, July 29, 2008.

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

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

Gracious God, the Ultimate Source of Our Hope and of Truth, each day we look to You for guidance and direction as we take up and evaluate the legislative and administrative items on today's Calendar. We pray for the gift of wisdom which, we believe, enables us to select the right, reasonable, responsible, just and ethical issues which come before us. Teach us to take the time to consider thoughtfully, in a fair but critical manner, all legislative items and the consequences of our choices. As elected leaders, in these uneasy times, may our hearts and minds be filled with confidence and enthusiasm as we strive to strengthen our Commonwealth, communities, families and our basic institutions. By our commitment to our constitutional principles and personal freedom, may we, as a nation, be a sign of stability, justice and peace throughout the world.

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

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

Resolutions.

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

Resolutions (filed by Mr. Atsalis of Barnstable) congratulating Nick Siemasz on his fifty years as a baseball coach; and

Resolutions (filed by Mr. Kujawski of Webster and other members of the House) honoring Bill Monbouquette for his many accomplishments;

Mr. Scaccia of Boston, 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. Spellane of Worcester, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communication.

A communication from the Board of Selectmen of the town of Hopkinton submitting a letter requesting the rejection of the amendment proposed by His Excellency the Governor to Section 94 of the General Appropriation Bill, relative to the district local technical assistance fund (see House, No. 4960), was placed on file.

Petitions.

Weston,
Josiah Smith
Tavern.

Ms. Peisch of Wellesley presented a petition (accompanied by bill, House, No. 5021) of Alice Hanlon Peisch (by vote of the town) that the town of Weston be authorized to issue a license for the sale of alcoholic beverages to be drunk on the premises to Josiah Smith Tavern and Barn; and the same was referred to the committee on Consumer Protection and Professional Licensure. Sent to the Senate for concurrence.

Shrewsbury,
land
preservation.

Ms. Polito of Shrewsbury presented a petition (subject to Joint Rule 12) of Karyn E. Polito and Edward M. Augustus, Jr., relative to the preservation of certain land in the town of Shrewsbury under the care, custody and control of the Department of Mental Retardation, was referred, under Rule 24, to the committees on Rules of the two branches, acting concurrently.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Ms. Polito, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred, on further motion of the same member, to the committee on Rules. Sent to the Senate for concurrence in the suspension of Joint Rule 12.

Subsequently, the Senate having concurred in the suspension of Joint Rule 12, Mr. Scaccia, for said committee on Rules, reported on the foregoing petition, a Bill relative to land preservation in the town of Shrewsbury (House, No. 5032), which was read.

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

Papers from the Senate.

Mental
health
parity.

The House Bill relative to mental health parity (House, No. 4423) 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 2840.

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

Sheet metal
workers,
licensing.

The House Bill relative to the licensing of sheet metal workers and sheet metal contractors (House, No. 4804) came workers, from the Senate passed to be engrossed, in concurrence, with amendments striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2822, amended in section 4, in line 279, by inserting after the words "sheet metal work" the words "for such period of time as may be determined by the board", and in section 5, in line 286, by inserting after the word "regulations" the words "for such period of time as may be

determined by the board"; and striking out the title and inserting in place the following title: "An Act relative to the licensing of sheet metal workers."

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.

A Bill relative to certain easements held by the Commonwealth of Massachusetts and the Massachusetts Water Resources Authority in the town of Wellesley (Senate, No. 2219) (on a petition), passed to be engrossed by the Senate, was read.

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

Bills

Authorizing the Division of Capital Asset Management and Maintenance to lease certain land in the town of Spencer to the Worcester County 4H Center (Senate, No. 30, amended in section 1, in line 3, by striking out the words "environmental management" and inserting in place thereof the words "conservation and recreation"; and in section 4, in lines 52 to 55, inclusive, by striking out the words "the lease hereby authorized shall terminate upon notice to the committee, and the land and building together with any improvements thereon shall revert to the commonwealth under the care and control of the department", as changed by the Senate committee on Bills in the Third Reading, and inserting in place thereof the words "said lease shall terminate upon written notice from the division") (on a petition);

Increasing consumer access to licensed marriage and family therapists (Senate, No. 120) (on a petition);

Prohibiting the confiscation of lawfully owned firearms during a state of emergency (Senate, No. 1401) (on a petition);

Relative to operating a motor vehicle when approaching stationary emergency vehicles (Senate, No. 2103, amended in section 2, as printed, in lines 36, 37 and 38, by striking out subsection (d), as changed by the Senate committee on Bills in the Third Reading) (on a petition);

Authorizing the chief of police to the Massachusetts Bay Transportation Authority Police Department to appoint police cadets under certain circumstances to the police department of the authority (Senate, No. 2207, changed by adding at the end of section 1 the following paragraph:

"Notwithstanding the foregoing, after 15 per cent of the total number of appointments in any calendar year are made pursuant to of this act, no additional appointments shall be made hereunder unless and until there are no veterans on the eligible list.", as changed by the Senate committee on Bills in the Third Reading; and amended in section 1, in lines 6 and 7, by striking out the words "Criminal Justice Training Council", as changed by the Senate committee on Bills in the Third Reading, and inserting in place thereof

Wellesley,
MWRA
easement.

Worcester
County,
land lease.

Family
therapy.

Firearms,
confiscation.

Stationary
emergency
vehicles.

MBTA
police,
cadets.

the words “Municipal Police Training Committee”; and in section 4, in line 27, by striking out the following: “twenty D” and inserting in place thereof the figures “20”) (on a petition);

Relative to American sign language and hard of hearing workforce solutions (Senate, No. 2582) (on Senate, No. 741 and House No. 548); and

Relative to election day registration (Senate, No. 2807, amended in section 6, in line 37, by inserting after word “election” the words “, subject to appropriation,”; and by striking out section 8, as changed by the Senate committee on Bills in the Third Reading, and inserting in place thereof the following two sections:

“SECTION 8. Notwithstanding any other general or special law to the contrary, an individual who is eligible to vote on November 4, 2008, may register to vote, in accordance with section 34A of chapter 51 of the General Laws, provided, however, that such registration shall take place at the office of the registrars of voters, as defined by section 1 of chapter 50 of the General Laws, in the city or town in which the individual resides during the hours polling places are open for voting. A city or town with 75,000 or more residents, according to the most recent federal census, shall add additional regional registrations locations at which applicants qualified under subsection (a) of said section 34A of said chapter 51 may register to vote. A city or town with less than 75,000 residents may add additional regional registration locations at which applicants qualified under subsection (a) of said section 34A of said chapter 51 may register and vote, or may designate an alternative registration location if that city or town has only 1 polling location. These additional or alternative regional registration locations shall be selected by the registrars at least 30 days prior to an election and subject to the approval of the state secretary, who shall render his approval or disapproval within 5 calendar days of the selection by the registrars. The registrars of voters shall allow any individual who has completed registration in accordance with said section 34A of said chapter 51 on the day of the election to cast the appropriate ballot at the office of registrars or regional registration location. The registrars of voters or official in charge of the regional registration location shall distribute all completed ballots to the appropriate polling places to be included in that location’s vote count.

The state secretary shall adopt or modify policies and regulations necessary to implement this section.

SECTION 8A. Notwithstanding any general or special law to the contrary, the state secretary shall have the authority to add or change any dates relating to the general election held on November 4, 2008, as he deems necessary for the orderly administration of the election by providing notice of such change to any affected person, by filing notice with the rules and regulations division, by posting on his website and by whatever other means he deems appropriate. “) (on Senate bill No. 2514);

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

Sign
language,
workforce.

Election day,
registration.

A Bill further regulating ketamine as a Class A controlled substance (Senate, No. 1129) (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.

Ketamine,
controlled
substance.

A petition (accompanied by bill, Senate, No. 2844) of Richard R. Tisei, Christopher G. Fallon and Paul J. Donato (with the approval of the mayor and city council) for legislation to authorize the establishment of the Geriatric Authority of Malden and providing for the financing thereof, was referred, in concurrence, to the committee on Municipalities and Regional Government.

Malden,
geriatric
authority.

A petition of Robert A. Antonioni for legislation relative to non-public school deferred compensation, came from the Senate with the endorsement that it had been referred, under suspension of Joint Rule 12, to the committee on Education.

Non-public
schools.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2853) was referred, in non-concurrence, on motion of Mrs. Haddad of Somerset, to the committee on Labor and Workforce Development. Sent to the Senate for concurrence in the reference.

Reports of Committees.

By Mr. Bosley of North Adams, for the committee on Economic Development and Emerging Technologies, on House, No. 4844, a Bill relative to green jobs in the Commonwealth (House, No. 5018), which was read.

Green
jobs.

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

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Resolve providing for an investigation and study by the Commissioner of Mental Retardation on a self-determination model for persons with disabilities (Senate, No. 2781) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Disability,
study.

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

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

Engrossed Bill.

The engrossed Bill relative to equality in the MassHealth program (see House, No. 4107, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Recesses.

Recesses.

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

The House thereupon took a further recess, on motion of Mr. Jones of North Reading, until the hour of one o'clock P.M.; and at eighteen minutes before two o'clock the House was called to order with the Speaker in the Chair.

*Engrossed Bill.*Pets,
rental.

The engrossed Bill relative to the rental of pets (see House, No. 5006) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted,
yea and nay
No. 461.

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. Frost of Auburn; and on the roll call 157 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 461 in Supplement.]

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

*Matters Discharged from the Orders of the Day.*Orange,
firearms
licensing.

Mr. Golden of Lowell moved that the engrossed Bill authorizing the town of Orange to establish a firearms licensing fund (see House, No. 4278), which had been returned to the House by His Excellency the Governor with recommendation of amendment (for message, see House, No. 4934), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

The amendment recommended by the Governor then was adopted in the following form (as approved by the committee on Bills in the Third Reading) :

In section 1 by striking out the second sentence and inserting in place thereof the following sentence: "The town treasurer shall keep the fund separate and apart from all other funds of the town and shall deposit in the fund the town's share of all monies associated with firearms licensing, firearms licenses and firearms identification card fees received by the town."

Sent to the Senate for its action.

David
Catanzaro,
sick leave
bank.

Mr. Golden of Lowell moved that the engrossed Bill establishing a sick leave bank for David Catanzaro, an employee of the Trial Court (see House, No. 4771, amended), which came from the Senate with an amendment, having been recommended to the committee on Bills in the Third Reading, be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed. On the recurring question on concurring with the Senate, the amendment (having been reported

by said committee to be correctly drawn, as changed) was adopted, in concurrence, as follows:

By adding at the end thereof the following sentence: "Sick leave bank days may not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the trial court department."

The Senate Bill authorizing the Division of Capital Asset Management and Maintenance to grant a certain easement over lands held for conservation and recreation purposes (Senate, No. 2511, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time, there being no objection; and it was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment previously adopted by the House.

Russell and
Montgomery,
easement.

Under suspension of Rule 47, on motion of Mr. Golden of Lowell, in each instance, the following bills were discharged from their position in the Orders of the Day.

Senate bills

Authorizing the partial release of certain land in Easthampton from the operation of an agricultural preservation restriction (Senate, No. 42);

Third
reading
bills.

Releasing certain land in Dudley from the operation of an agricultural preservation restriction (Senate, No. 46, amended);

Relative to District Court clerks (Senate, No. 1004);

Authorizing the town of Middleborough to use a portion of town-owned land for purposes other than water supply protection and storage (Senate, No. 1189);

Authorizing the Division of Capital Asset Management and Maintenance to grant a sewer easement in certain land in the town of Belchertown (Senate, No. 2355, amended);

Relative to the use of a certain building in the town of Whitman (Senate, No. 2474);

Relative to the leasing of a certain parcel of land in the town of Gardner (Senate, No. 2696, amended); and Authorizing the sale of alcoholic beverages on golf courses (Senate, No. 2769);

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

The Senate Bill authorizing the commissioner of Capital Third Asset Management and Maintenance to make certain reading conveyances in the city of Somerville (Senate, No. 2705), bill, 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. Flynn of Bridgewater; and it was passed to be engrossed, in concurrence.

Third
reading
bills.

Senate bills

Authorizing the Division of Capital Asset Management and Maintenance to lease certain property to the town of Acton (Senate, No. 2509);

Third
reading
bills.

Third
reading
bills.

Authorizing the Division of Capital Asset Management and Maintenance to lease certain property to the town of Shirley (Senate, No. 2510); and

Authorizing the city of Fitchburg to lease certain park land to the Wallace Civic Center and Planetarium (Senate, No. 2589);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time, there being no objection; and they were passed to be engrossed, in concurrence.

Under suspension of Rule 47, on motion of Mr. Golden of Lowell, in each instance, the following bills were discharged from their position in the Orders of the Day:

House bills

Validating the actions taken at an annual town election Id. held in the town of Dudley (printed in House, No. 3971);

Validating the action taken at the annual town election held in the town of Lanesborough (printed in House, No. 4250);

Validating a certain election in the town of Medway (printed in House, No. 4545);

Designating architect emeritus status (House, No. 4803); and

Relative to discharging sewage from marine vessels into waters of the Commonwealth designated as no discharge areas (House, No. 4805);

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 relative to group marketing plans (House, No. 4948), 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. Spellane of Worcester; and it was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to Charlestown's designated port area (House, No. 4992), 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. O'Flaherty of Chelsea; and it was passed to be engrossed. Sent to the Senate for concurrence.

Mr. Golden of Lowell moved that the House Bill relating to speculating at or creating depictions of animal fighting or cruelty (House, No. 1527), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

The bill (its title having been changed by the committee on Bills in the Third Reading) then was read a third time.

Said committee reported recommending that the bill be consolidated with the House Bill relative to the penalties for aiding or being present at an exhibition of fighting animals (House, No. 1529), likewise referred to the committee on Bills in the Third Reading; and the report was accepted.

The bill (House, No. 1527) then was passed to be engrossed. Sent to the Senate for concurrence.

Third
reading
bill.

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Third reading bill
amended.

The Senate Bill relative to the preservation of dairy farms (Senate, No. 2743, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time, there being no objection.

Pending the question on passing the bill, as amended, to be engrossed, in concurrence, Mr. Bosley of North Adams moved to amend it by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5030.

The amendment was adopted; and the bill (Senate, No. 2743, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment.

Mr. Golden of Lowell moved that the House Bill relative to an intermunicipal agreement and betterment assessments in the town of Lunenburg (House, No. 4543), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

The bill then was read a third time.

The committee on Bills in the Third Reading reported asking to be discharged from further consideration of the bill; and the report was accepted.

Pending the question on passing the bill to be engrossed, Mr. Eldridge of Acton moved to amend it by substitution of a bill with the same title (House, No. 5033), which was read.

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

Under suspension of Rule 47, on motion of Mr. Rodrigues of Westport, in each instance, the following bills were discharged from their position in the Orders of the Day:

House bills

Relative to the town of Westwood to grant a license for the sale of wine and malt beverages at a food store, not to be drunk on the premises (House, No. 4832);

Authorizing the town of Danvers to issue one additional liquor license for the sale of wine and malt beverages (House, No. 4875);

Authorizing the town of Fairhaven to issue a common victualer beer and wine license to Jevon K. Malcom, owner and Lisa M. Malcom, manager of Jevon Enterprises, 116 Scoticut Neck Road in the town of Fairhaven (House, No. 4898);

Relative to all alcoholic beverages licenses in the town of Arlington (House, No. 4936); and

Authorizing the town of Northborough to grant additional alcoholic beverages license (House, No. 4937);

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

Mrs. Harkins of Needham being in the Chair,—

Mr. Rushing of Boston moved that the Senate Bill relative to certain marriage laws (Senate, No. 800), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

Dairy
farms.

Lunenburg,
assessments.

Second
reading
bills.

Marriage.

Marriage.

The bill (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, then was read a third time.

Bill passed to be engrossed, yea and nay No. 462.

After debate 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 Mr. Jones of North Reading; and on the roll call (Mr. Donato of Medford being in the Chair), 119 members voted in the affirmative and 36 in the negative.

[See Yea and Nay No. 462 in Supplement.]

Therefore the bill (Senate, No. 800) was passed to be engrossed, in concurrence.

Emergency Measure.

Natick, property lease.

The engrossed Bill authorizing the Commissioner of Capital Asset Management and Maintenance to lease certain property to the city known as the town of Natick (see House, No. 4806), 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.

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.

The Speaker being in the Chair,—

Engrossed bills

Bills enacted.

Establishing a sick leave bank for Lois Tobin, an employee of the Department of Mental Retardation (see Senate, No. 2678);

Establishing a sick leave bank for David S. Vitale, an employee of the Trial Court (see Senate, No. 2710, amended);

(Which severally originated in the Senate); Designating Mitochondrial Disease Awareness Week (see House, No. 3246); and

Establishing a sick leave bank for Sharon Easter, an employee of the Department of Correction (see House, No. 4209, 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 Speaker and sent to the Senate.

Engrossed bills

Regulating liquefied natural gas tanker import terminals (see House, No. 2383);

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Authorizing the consolidation of certain public hearings (see House, No. 3234);

Designating rolling rock as the official glacial rock of the Commonwealth (see House, No. 4823);

Relative to clarifying certain banking laws (see House, No. 4901); and

Relative to the long term care career ladder grant program (see House, No. 4953);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the Speaker and sent to the Senate.

Mr. Donato of Medford being in the Chair,—

Engrossed bills

Relative to interior designers bidding on state contracts (see House, No. 4731); and

Bills enacted.

Relative to county highways in the town of Granville (see House, No. 4796); and

Relative to the licensing of sheet metal workers and sheet metal contractors (see House, No. 4804, amended);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Engrossed Bills— Land Takings.

The engrossed Bill relative to conservation restrictions on certain parcels of land held by the Martha's Vineyard Land Bank and the town of Edgartown (see House, No. 4294) (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.

Granville, county highways.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 156 members voted in the affirmative and 0 in the negative.

Bill enacted (land taking), yea and nay No. 463.

[See Yea and Nay No. 463 in Supplement.]

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

The engrossed Bill relative to the South Grafton and Grafton water districts (see House, No. 4513) (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.

Grafton, water districts.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 155 members voted in the affirmative and 0 in the negative.

Bill enacted (land taking), yea and nay No. 464.

[See Yea and Nay No. 464 in Supplement.]

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

Engrossed Bill.

The engrossed Bill relative to mental health parity (see House, No. 4423, 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.

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

[See Yea and Nay No. 465 in Supplement.]

[Mr. Aguiar of Fall River answered "Present" in response to his name.]

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

Reports of Committees.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, on House No. 4971, reported, in part, a Bill making appropriations for the fiscal year 2008 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 5022) [Cost: \$116,132,084.00]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

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

Pending the question on passing the bill to be engrossed, Mr. Peterson of Grafton and other members of the House moved to amend it by inserting after section 65 the following three sections:

"SECTION 65A. Section 129B of chapter 140 shall be amended by striking paragraph (9A) and inserting in place thereof the following:—

(9A) Except as provided in clause (9B), the fee for an application for a firearm identification card shall be \$40, which shall be payable to the licensing authority and shall not be prorated refunded in the case of revocation or denial. The licensing authority shall retain \$25 of the fee; \$15 of the fee shall be deposited in the General Fund; and Notwithstanding any general or special law to the contrary, licensing authorities shall deposit quarterly that portion of the firearm identification card application fee which is to be deposited into the General Fund, not later than January 1, April 1, July 1 and October 1 of each year.

SECTION 65B. Section 131 of chapter 140 shall be amended by striking paragraph (i) and inserting in place thereof the following:—

(i) A license to carry or possess firearms shall be valid, unless revoked or suspended, for a period of not more than 6 years from the date of issue and shall expire on the anniversary of the licensee's date of birth occurring not less than 5 years but not more than 6 years from the date of issue, except that if the licensee applied for renewal before the license expired, the license shall remain valid for a period

of 90 days beyond the stated expiration date on the license, unless the application for renewal is denied. Any renewal thereof shall expire on the anniversary of the licensee's date of birth occurring not less than 5 years but not more than 6 years from the effective date of such license. Any license issued to an applicant born on February 29 shall expire on March 1. The fee for the application shall be \$40, which shall be payable to the licensing authority and shall not be prorated or refunded in case of revocation or denial. The licensing authority shall retain \$25 of the fee; \$15 of the fee shall be deposited into the general fund of the commonwealth and not less than \$50,000 of the funds deposited into the General Fund shall be allocated to the Firearm Licensing Review Board, established in section 130B, for its operations and that any funds not expended by said board for its operations shall revert back to the General Fund. For law enforcement officials, or local, state, or federal government entities acting on their behalf, the fee for the application shall be set at \$25, which shall be payable to the licensing authority and shall not be prorated or refunded in case of revocation or denial. The licensing authority shall retain \$12.50 of the fee, and \$12.50 of the fee shall be deposited into the general fund of the commonwealth. Notwithstanding any general or special law to the contrary, licensing authorities shall deposit such portion of the license application fee into the Firearms Record Keeping Fund quarterly, not later than January 1, April 1, July 1 and October 1 of each year. Notwithstanding any general or special law to the contrary, licensing authorities shall deposit quarterly such portion of the license application fee as is to be deposited into the General Fund, not later than January 1, April 1, July 1 and October 1 of each year. For the purposes of section 10 of chapter 269, an expired license to carry firearms shall be deemed to be valid for a period not to exceed 90 days beyond the stated date of expiration, unless such license to carry firearms has been revoked.

SECTION 65C. Section 131F of chapter 140 shall be amended by striking, in line 39, the word 'one' and inserting in-place thereof the following:— six."

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson; and on the roll call 96 members voted in the affirmative and 59 in the negative.

[See Yea and Nay No. 466 in Supplement.]

Therefore the amendment was adopted.

Subsequently a statement of Mr. Fennell of Lynn 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 on the previous roll call it was my intention to vote in the affirmative. However, I now find that, for some inexplicable reason, I was recorded in the negative.

Subsequently a statement of Mr. Fernandes of Milford 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 on the previous roll call it was my intention to vote in the affirmative. However, I now find that, for some inexplicable reason, I was recorded in the negative.

Mental
health
parity.

Bill enacted,
yea and nay
No. 465.

Supplemental
appropriations.

Amendment
adopted,
yea and nay
No. 466.

Statement of
Representative
Fennell of
Lynn.

Statement of
Representative
Fernandes of Mil-
ford.

Supplemental
appropriations.

Mr. Jones of North Reading and other members of the House then moved to amend the bill in section 61, in line 3, by striking out the figures "\$100,000,000" and inserting in place thereof the figures "\$240,000,000".

After debate the amendment was rejected.

Mr. Jones and other members of the House then moved to amend the bill by inserting after section 65C (inserted by amendment) the following thirteen sections:

"SECTION 65D. Section 1 of chapter 94C of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out, in line 247, the words 'sections 66 and 66B' and inserting in place thereof the following words:— either sections 66 and 66B or sections 66 and 66C.

SECTION 65E. Section 7 of said chapter 94C, as so appearing, is hereby amended by striking out, in line 166, the words 'sections 66 and 66B' and inserting in place thereof the following words:— either sections 66 and 66B or sections 66 and 66C.

SECTION 65F. Section 9 of said chapter 94C, as so appearing, is hereby amended by striking out, in line 2, the words 'sections 66 and 66B' and inserting in place thereof the following words:— either sections 66 and 66B or sections 66 and 66C.

SECTION 65G. Said section 9 of said chapter 94C, as so appearing, is hereby further amended by inserting after the word 'podiatrist', in line 65, the following word:—, optometrist.

SECTION 65H. Section 27 of said chapter 94C, as so appearing, is hereby amended by striking out, in line 21, the word 'seven' and inserting in place thereof the following words:— 7, or an optometrist who has received a registration from the board of registration in optometry stating that he is competent in the utilization of epinephrine, adrenaline or other agents used in the percutaneous treatment of anaphylaxis.

SECTION 65I. Said section 27 of said chapter 94C, as so appearing, is hereby further amended by inserting after the word 'dentist', in line 26, the following word:—, optometrist.,

SECTION 65J. Section 66 of chapter 112 of the General Laws, as so appearing, is hereby amended by inserting after the word 'utilization', in line 7, the following words:— and prescription.

SECTION 65K. Said section 66 of said chapter 112, as so appearing, is hereby further amended by striking out, in lines 11 and 12, the words 'and 66B' and inserting in place thereof the following words:—, 66B and 66C.

SECTION 65L. The first paragraph of section 66A of said chapter 112, as so appearing, is hereby amended by adding the following sentence:— A registered optometrist may utilize epinephrine, adrenaline or other agents used in the percutaneous treatment of anaphylaxis.

SECTION 65M. Section 66B of said chapter 112, as so appearing, is hereby amended by inserting after the words 'injection,' in line 13, the third time it appears, the following words:—, except for the utilization of epinephrine, adrenaline or other agents used in the percutaneous treatment of anaphylaxis.

SECTION 65N. Said chapter 112 is hereby further amended by inserting after section 66B the following section:—

Section 66C. (a) A registered optometrist, qualified by examination for practice under section 68 after January 1, 2003, duly certified in accordance with section 68C and duly registered to issue written prescriptions in accordance with paragraph (h) of section 7 of chapter 94C may, for the purpose of diagnosing, preventing, correcting, managing or treating ocular diseases, including glaucoma and ocular abnormalities of the human eye and adjacent tissue, utilize and prescribe topical and oral therapeutic pharmaceutical agents used in the practice of optometry as defined in section 66 and described in Title 21 U.S.C. Section 812 or in chapter 94C, including those placed in schedules 111, IV, V and VI by the commissioner pursuant to section 2 of chapter 94C and including the utilization of epinephrine, adrenalin, or other agents used in the percutaneous treatment of anaphylaxis. Nothing in this section shall be construed to permit optometric utilization or prescription of: (a) therapeutic pharmaceutical agents for the treatment of systemic diseases; (b) invasive surgical procedures; or (c) pharmaceutical agents administered by subdermal injection, intramuscular injection, intravenous injection, subcutaneous injection or retrobulbar injection, except as authorized above for the percutaneous treatment of anaphylaxis. The pharmaceutical agents from schedule 111 shall be limited to the narcotic analgesics and shall not include the use of hallucinogenic substances or anabolic steroids. Oral steroid treatment required beyond 14 days shall be continued only in consultation with the patient's physician.

(b) If, during the course of examining or treating a patient with the aid of a diagnostic or therapeutic pharmaceutical agent, an optometrist, exercising professional judgment and that degree of expertise, care and knowledge ordinarily possessed and exercised by optometrists under like circumstances, determines the existence of the signs of previously unevaluated disease which requires treatment not included in the scope of optometric practice as set forth in section 66, such optometrist shall refer the patient to a licensed physician or other qualified health care practitioner. Optometrists may utilize and prescribe nonlegend agents.

(c) Nothing in this section shall prevent a qualified optometrist from sewing as an approved investigator in a clinical trial evaluating such drugs.

(d) If a patient exam shows newly diagnosed congenital glaucoma or if, during the course of examining, managing or treating a patient with glaucoma, surgical treatment is indicated, an optometrist shall refer that patient to a qualified physician for treatment.

(e) Optometrists licensed under this chapter 112 and the board of registration in optometry shall participate in appropriate state or federal reports or data collection efforts relative to patient safety and medical error reduction coordinated by the Betsy Lehman center for patient safety and medical error reduction established in section 16E of chapter 6A. Every insurer or risk management organization which provides insurance to an optometrist licensed under this chapter 112

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shall make an annual report to the center. The report shall list the top 10 categories of losses, claims or actions for damage for personal injuries alleged to have been caused by error, omission or negligence in the performance by optometrists of services the company incurred during the previous calendar year. Reports shall include completed cases and settlements only and shall not include information identifying providers or patients. Reports shall be provided to the center at its request under annual timelines and reporting requirements established by the center with the input of the advisory committee established in section subsection (c) of said section 16E of said chapter 6A. The center shall use this information in the development of evidence-based best practices to reduce errors and enhance patient safety as required by subsection (e) of said section 16E of said chapter 6A to increase awareness of error prevention strategies through public and professional education as required by that subsection.

SECTION 65O. Said chapter 112 is hereby further amended by inserting after section 68B the following section:—

Section 68C. (a) The board of registration in optometry shall administer an examination designed to measure the qualifications necessary to safely utilize and prescribe therapeutic pharmaceutical agents defined in subsection (a) of section 66C. Such examination shall be held in conjunction with examinations provided in sections 68, 68A and 68B and shall include any portion of the examination administered by the National Board of Examiners in Optometry or other appropriate examinations covering the subject matter of therapeutic pharmaceutical agents. Nothing shall prohibit the board from administering 1 examination to measure the qualifications necessary under sections 68, 68A, 68B and 68C. The board shall, subsequent to January 1, 2003, only qualify for practice in accordance with said sections 68, 68A, 68B and 68C and any applicant that presents satisfactory evidence that he has graduated from a school or college of optometry, approved by the board, subsequent to January 1, 2003 shall have satisfied all the requirements of sections 68, 68A, 68B and 68C.

(b) Examination for the utilization and prescription of therapeutic pharmaceutical agents placed under schedules III, IV, V and VI by the commissioner pursuant to section 2 of chapter 94C and defined in subsection (a) of section 66C shall, upon application, be open to an optometrist registered under section 68, 68A or 68B and to any person who meets the qualifications for examination under sections 68, 68A and 68B. Each such applicant, registered as an optometrist under said section 68, 68A or 68B, shall possess a current Massachusetts controlled substance registration for the use of topical pharmaceutical agents described in section 66B and placed under schedule VI by the commissioner pursuant to section 2 of chapter 94C and shall furnish to the board of registration in optometry evidence of the satisfactory completion of 40 hours of didactic education and 20 hours of supervised clinical education relating to the utilization and prescription of therapeutic pharmaceutical agents defined in subsection (a) of section 66C. Such education shall be administered

by the Massachusetts Society of Optometrists, shall be accredited by a college of optometry or medicine and shall otherwise meet the guidelines and requirements of the board of registration in optometry. The board of registration in optometry shall provide to the department of public health and each successful applicant a certificate of qualification in the utilization and prescription of all therapeutic pharmaceutical agents as defined in said subsection (a) of said section 66C.

(c) An optometrist licensed in another jurisdiction shall, after January 1, 2003, be deemed an applicant under section 68C by the board of registration in optometry. An optometrist licensed in another jurisdiction may submit evidence to the board of registration in optometry of practice equivalent to that required in section 68, 68A or 68B and the board, at its discretion, may accept such evidence in order to satisfy any of the requirements of this section. An optometrist licensed in another jurisdiction to utilize and prescribe therapeutic pharmaceutical agents substantially equivalent to those placed under schedules III, IV, V and VI by the commissioner pursuant to section 2 of chapter 94C and defined in subsection (a) of section 66C may submit evidence to the board of registration in optometry of equivalent didactic and supervised clinical education in order to satisfy all the requirements of this section.

(d) A licensed optometrist who has completed a Council on Optometric Education-approved, post-graduate residency program after July 31, 1997 may submit an affidavit to the board of registration in optometry from their residency supervisor or the director of residencies at the affiliated college of optometry attesting that an equivalent level of instruction and supervision was completed in order to satisfy all the requirements of this section.

(e) As a requirement of license renewal, an optometrist licensed under this section shall submit to the board of registration in optometry evidence attesting to the completion of 3 hours of continuing education specific to glaucoma.

SECTION 65P. Within 90 days after the effective date of this act, the department of public health and the board of registration in optometry shall promulgate the rules and regulations required by sections 1, 7, 9 and 27 of chapter 94C of the General Laws and sections 66, 66A, 66B, 66C and 68C of chapter 112 of the General Laws.”.

The amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by striking out sections 18 and 19.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 25 members voted in the affirmative and 131 in the negative.

[See Ye and Nay No. 467 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones and other members of the House then moved to amend the bill by striking out section 17 and sections 57 to 60, inclusive.

Amendment
rejected,
yea and nay
No. 467.

Amendments
rejected,
yea and nay
No. 468.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Ms. Rogeness of Longmeadow; and on the roll call 24 members voted in the affirmative and 131 in the negative.

[See Yea and Nay No. 468 in Supplement.]

Therefore the amendments were rejected.

Mr. Patrick of Falmouth then moved to amend the bill by inserting after section 65C (inserted by amendment) the following three sections:

“SECTION 65D. Section 6 of chapter 62 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out the words ‘fifteen per cent’, in line 21, and inserting in place thereof the following:— 50 per cent.

SECTION 65E. Said section 6 of said chapter 62, as so appearing, is hereby further amended by striking out the words ‘one thousand dollars’, in line 22, and inserting in place thereof the figure:— \$5,000.

SECTION 65F. Said section 6 of said chapter 62, as so appearing, is hereby further amended by inserting after line 52 the following clause:—

(iii) an energy bill summary for the previous 12 months from the utility or energy company, or actual bills, before the installation of the system and a 12 month summary of bills after the installation of the system, or bills, from the utility or energy company must be submitted as proof of a reduction in energy usage directly attributable to the new system with the tax credit form to qualify for the credit.”.

After debate the amendment was rejected.

Mr. Donelan of Orange then moved to amend the bill in section 2C by inserting after item 8910-0102 the following item:

“8910-0108 Franklin County Sheriff’s Department 636,521”.

The amendment was rejected.

Mr. Frost of Auburn and other members of the House then moved to amend the bill by inserting after section 65C (inserted by amendment) the following nine sections:

“SECTION 65D. Notwithstanding any general or special law to the contrary, for the days between Friday August 15, 2008 and Wednesday October 15, 2008, inclusive, an excise shall not be imposed upon the sale of fuel by a distributor or an unclassified importer for transfer into a motor vehicle or into a receptacle from which fuel is supplied by him to his own or other motor vehicles, as defined in section 1 of chapter 64A of the General Laws, as appearing in the 2006 official edition and section 1 of chapter 64E of said General Laws, as so appearing.

SECTION 65E. Notwithstanding any general or specific law to the contrary, for the days between Friday August 15, 2008 and Wednesday October 15, 2008, inclusive, a distributor or unclassified importer in the commonwealth shall not add to the sales price or collect from any purchaser an excise tax upon the sale of fuel by a distributor or an unclassified importer for transfer into a motor vehicle or into a receptacle from which fuel is supplied by him to his own or other motor vehicles, as defined in section 1 of chapter 64A of the

General Laws as so appearing and section 1 of said chapter 64E of the General Laws. The commissioner of revenue shall not require any distributor or unclassified importer to collect and pay excise upon such transfers made for the days between Friday August 15, 2008 and Wednesday October 15, 2008, inclusive, but any excise erroneously or improperly collected during such period shall be remitted to the department of revenue.

SECTION 65F. Reporting requirements imposed upon distributors and unclassified importers, by law or by regulation, including, but not limited to the requirements for filing returns required by said chapter 64A and said chapter 64E of the General Laws, shall remain in effect for sales for the days between Friday August 15, 2008 and Wednesday September 15, 2008, inclusive.

SECTION 65G. On or before February 27, 2009, the commissioner of revenue shall certify to the comptroller the amount of sales tax revenue forgone due to the operation of this act. The commissioner shall issue a report, detailing by fund the amounts under the general and special laws governing the distribution of revenues under section 13 of said chapter 64A and section 13 of said chapter 64E of the General Laws which would have been deposited in each fund, notwithstanding this act. The respective amounts so reported by the commissioner shall, within 30 days following such report and without further appropriation, be transferred ratably by the comptroller from the Stabilization Fund, established pursuant to section 2H of chapter 29 of the General Laws as so appearing, to the respective funds set forth in said section 13 of chapter 64A, as so appearing, and section 13 of chapter 64E; provided, that the total amount of transfers made by the comptroller according to this section shall not exceed \$200 million.

SECTION 65H. This act shall be repealed at 12:01 A.M. on October 16, 2008, or upon certification by the commissioner of revenue that AAA Southern New England has reported in their daily fuel gauge report that the average price of regular gasoline in Massachusetts is below 2.15 per gallon, provided that the daily fuel gauge report must display that condition for three consecutive days.

SECTION 65I. There shall be a special commission to study the pricing of gasoline for sale at retail in the commonwealth, with an emphasis on the period between August 15, 2008 and October 15, 2008 inclusive. The commission shall consist of 2 members appointed by the speaker of the house, including the house chair of the joint committee on transportation, 1 member appointed by the house minority leader, 2 members appointed by the senate president, including the senate chair of the joint committee on transportation, 1 member appointed by the senate minority leader, the secretary of transportation, the secretary of economic development, the attorney general, and 3 persons to be appointed by the governor, all of whom shall be strongly acquainted with the gasoline retail community and at least one of whom shall be distributor as defined in said section 1 of chapter 64A. The commission shall study the pricing and sale at retail of automotive gasoline, with special concern for prices at the pump that greatly exceed reasonable costs, and shall submit a report, including legislative recommendations, if any, to the clerk of the

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appropriations.

house of representatives and senate who shall forward the same to the joint committee on transportation and the house and senate committee on ways and means on or before Wednesday March 4, 2009.

SECTION 65J. The commissioner of revenue shall issue instructions or forms, or promulgate rules or regulations, necessary to carry out this act.

SECTION 65K. This act shall take effect on August 15, 2008. SECTION 65L. The provision of this act shall expire on October 16, 2008, unless otherwise specified.”.

After remarks the amendment was rejected.

Mr. Kujawski of Webster then moved to amend the bill by striking out section 17 and inserting in place thereof the following section:

“SECTION 17. Notwithstanding section 38 of chapter 118G of the General Laws, for the fund fiscal year beginning on October 1, 2009, the health safety net office shall calculate the percentage of the surcharge created by that section by dividing \$193,000,000 by the projected annual aggregate payments subject to the surcharge. The office shall determine the surcharge percentage before the start of the fund fiscal year and may redetermine the surcharge percentage before April 1, 2009, if the office projects that the initial surcharge established the previous October will produce less than \$183,000,000 or more than \$203,000,000.”.

After remarks the amendment was rejected.

Ms. Coakley-Rivera of Springfield then moved to amend the bill by inserting after section 65C (inserted by amendment) the following section:

“SECTION 65D. Item 4800-0015 of said section 2 of the general appropriation act for fiscal year 2009 is hereby amended by striking out the words ‘four to five full-time board certified or board eligible child psychiatrists to serve in each of the area offices; provided further, that hiring and supervision shall be done in conjunction with the department of mental health; provided further, that such physicians shall collaborate with the department’s social workers; provided further, that the department shall employ not less than 1 full-time board-certified physician’ and inserting in place thereof the following words:— medical and psychiatric staff to collaborate with the department’s social workers.”.

The amendment was rejected.

Mr. Koutoujian of Waltham then moved to amend the bill in section 34, in line 4, by inserting after the word “words:—” the words “provided further, that the executive office shall develop a process whereby providers who have signed or are eligible to enter into a Virtual Gateway Services Agreement shall be able to sue internally developed or commercially available software tools to connect electronically to the Virtual Gateway for the purpose of submitting and monitoring the status of individual applications;”.

The amendment was rejected.

Mr. Naughton of Clinton then moved to amend the bill in section 2A by adding at the end of item 7004-1000 the following: “; provided further that not less than \$100,000 be provided for the purpose of installing curb cuts at the senior housing complex in

Lancaster”; and in said item by striking out the figures “10,000,000” and inserting in place thereof the figures “10,000,100”.

The amendments were rejected.

Mr. Petrolati of Ludlow being in the Chair,— Mr. Hill of Ipswich then moved to amend the bill by inserting after section 65C (inserted by amendment) the following five sections:

“SECTION 65D. Clause Forty-first C of section 5 of chapter 59 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 1198, the figure ‘100’ and inserting in place thereof the figure:— 250.

SECTION 65E. Clause Forty-first C of section 5 of chapter 59 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 1200, the figure ‘\$20,000’ and inserting in place thereof the figure:— \$40,000.

SECTION 65P. Clause Forty-first C of section 5 of chapter 59 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 1201, the figure ‘\$30,000’ and inserting in place thereof the figure:— \$60,000.

SECTION 65G. Clause Forty-first C of section 5 of chapter 59 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 1203, the figure ‘\$40,000’ and inserting in place thereof the figure:— \$60,000.

SECTION 65H. Clause Forty-first C of section 5 of chapter 59 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 1204, the figure ‘\$55,000’ and inserting in place thereof the figure:— \$75,000.”.

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Hill of Ipswich; and on the roll call 63 members voted in the affirmative and 93 in the negative.

[See Yeas and Nays No. 469 in Supplement.]

Therefore the amendment was rejected.

Mr. Peterson of Grafton then moved to amend the bill by striking out section 11 and inserting in place thereof the following section:

“SECTION 11. Section 6 of chapter 70B of the General Laws, as appearing in the 2006 Official Edition, shall be amended by adding the following subsection:—

(e) A city, town or regional school district may borrow for a term of not more than 5 years for the cost of such feasibility studies as may be required to apply for a school facilities grant under this chapter.”.

The amendment was rejected.

Messrs. Peterson of Grafton and Jones of North Reading then moved to amend the bill by inserting after section 65C (inserted by amendment) the following section:

“SECTION 65D. Section 35D of chapter 10 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the word ‘Fund’, in line 24, the following sentence:— Amounts expended from the Natural Heritage and Endangered Species Fund shall be exempt from indirect cost charges under chapter 29.”.

The amendment was rejected.

Amendment
rejected,
yeas and nays
No. 469.

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Mr. Casey of Winchester then moved to amend the bill by striking out section 28 and inserting in place thereof the following section:

“SECTION 28. The second sentence of said section 55 of said chapter 61 of the acts of 2007, as so amended, is hereby further amended by inserting after the words ‘Health Safety Net Trust Fund;’ the following words:— provided that \$32,000,000 shall be paid for a certain public-service hospital operated by the Boston Medical Center Corporation; and provided further that not less than \$32,000,000 shall be transferred to the Essential Community Provider Trust Fund; 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 the same member; and on the roll call 55 members voted in the affirmative and 100 in the negative.

[See Yea and Nay No. 470 in Supplement.]

Therefore the amendment was rejected.

Mr. Casey then moved to amend the bill by striking out section 28 and inserting in place thereof the following section:

“SECTION 28. The second sentence of said section 55 of said chapter 61 of the acts of 2007, as so amended, is hereby further amended by inserting after the words ‘Health Safety Net Trust Fund;’ the following words:— provided that \$32,000,000 shall be paid for a certain public-service hospital operated by the Boston Medical Center Corporation; and provided further that not less than \$32,000,000 shall be paid to a fund within the executive office of health and human services for the purpose of assisting community hospitals with the installation of computerized physician order entry systems; and.”

Mrs. Walrath of Stow thereupon raised a point of order that the amendment was improperly before the House for the reason that the House had disposed of the subject-matter in the previous amendment.

The Chair (Mr. Petrolati of Ludlow) stated that the point of order was well taken; and the amendment was laid aside accordingly.

Ms. Callahan of Sutton then moved to amend the bill in section 2A, in item 7002-0013, by adding at the end thereof the following: “; provided further, that not less than \$150,000 shall be provided for the Caryville Mill Senior Housing Program.”

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 7 members voted in the affirmative and 146 in the negative.

[See Yea and Nay No. 471 in Supplement.]

Therefore the amendment was rejected.

Mr. Casey of Winchester then moved to amend the bill by striking out section 28 and inserting in place thereof the following section:

“SECTION 28. The second sentence of said section 55 of said chapter 61 of the acts of 2007, as so amended, is hereby further amended by inserting after the words ‘Health Safety Net Trus Fund;’ the following words:— provided that not less than \$32,000,000 shall

Amendment rejected, yea and nay No. 470.

Point of order.

Amendment rejected, yea and nay No. 471.

be paid to a fund within the executive office of health and human services for the purpose of assisting community hospitals with the installation of computerized physician order entry systems; 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 the same member; and on the roll call 29 members voted in the affirmative and 126 in the negative.

[See Yea and Nay No. 472 in Supplement.]

Therefore the amendment was rejected.

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. Jones of North Reading; and on the roll call 135 members voted in the affirmative and 21 in the negative.

[See Yea and Nay No. 473 in Supplement.]

Therefore the bill (House, No. 5022, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Engrossed Bills — Land Takings.

The engrossed Bill authorizing the town of West Boylston to convey certain open space land (see House, No. 4120, 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.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 156 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 474 in Supplement.]

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

The engrossed Bill relative to certain property in the town of Chilmark (see House, No. 4559) (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.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 156 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 475 in Supplement.]

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

Suspension of Rule 1A.

Mr. Donato of Medford then took the Chair and placed before the House the question on suspension of Rule 1A in order that the House might continue to meet beyond the hour of nine o’clock P.M.

Amendment rejected, yea and nay No. 472.

Bill passed to be engrossed, yea and nay No. 473.

West Boylston, open space land.

Bill enacted (land taking), yea and nay No. 474.

Chilmark, property.

Bill enacted (land taking), yea and nay No. 475.

Suspension of Rule 1A.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provision of said rule; and on the roll call 130 members voted in the affirmative and 26 in the negative.

[See Yea and Nay No. 476 in Supplement.]

Therefore Rule 1A was suspended.

Engrossed Bills — Land Takings.

The engrossed Bill relative to the leasing of certain land in the city of Waltham (see House, No. 5015) (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.

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. 477 in Supplement.]

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

The engrossed Bill providing for the merger of the Turners Falls Fire District and the Lake Pleasant Water Supply District (see House, No. 5020) (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.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 156 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 478 in Supplement.]

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

Papers from the Senate.

The House Bill providing for the disposition of certain property at Medfield State Hospital (House, No. 4214) came from the Senate passed to be engrossed, in concurrence, with amendments in section 4, in lines 3 and 4, striking out the words "consultation with" and inserting in place thereof the words "receiving the consent of"; and in section 8, in line 50, inserting after the words "after consultation with" the words "the department of housing and community development and", and, in line 58, inserting after the words "mental health" the words "and the undersecretary of housing and community development".

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

The House Bill conveying land from the town of Plainfield to the Plainfield Congregational Church (House, No. 4474) came from the Senate passed to be engrossed, in concurrence, with an amendment adding at the end of section 2 (as changed by the Senate committee on Bills in the Third Reading) the following sentence: "The deed shall also include an easement to the town for parking privileges on the granted premises for town business and the town shall agree to plow the parking lot on the granted premises."

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

Reports of Committees.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relative to the Joint Labor-Management Committee (Senate, No. 1095) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

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

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill to improve dropout prevention and reporting of graduation rates (Senate, No. 2766) ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5025. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Under suspension of Rule 7A, on motion of Ms. St. Fluer of Boston, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the bill (Senate, No. 2766, amended) was ordered to a third reading.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill promoting for the public higher education capital improvement needs of the Commonwealth (Senate, No. 2785) ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5024 [Bond authorization: \$2,110,500,000.00]. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Rule 1A suspended, yea and nay No. 476.

Waltham, property lease.

Bill enacted (Land taking), yea and nay No. 477.

Montague, Turners Falls and Lake Pleasant.

Bill enacted (Land taking), yea and nay No. 478.

Medfield State Hospital, land.

Plainfield, land.

Joint Labor-Management Committee.

Schools, dropout prevention.

Higher Education, bond.

Higher

Education,
bond.

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

The amendment recommended by the committee on Ways and Means then was adopted; and the bill (Senate, No. 2785, amended) was ordered to a third reading.

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

Pending the question on passing the bill, as amended, to be engrossed, in concurrence, Mr. Humason of Westfield moved to amend it in section 2A, in item 7066-8000, in line 142, by striking out the figures "\$23,489,597" and inserting in place thereof the figures "\$33,000,000"; and the amendment was adopted.

After remarks on the question on passing the bill, as amended, to be engrossed, in concurrence, Mrs. Poirier of North Attleborough moved to amend it in section 2A, in item 7066-8000, in line 38, by striking out the figures "\$3,200,000" and inserting in place thereof the figures "\$4,500,000"; and the amendment was adopted.

Mr. Rodrigues of Westport then moved to amended the bill in section 2A by adding at the end of item 7100-1000 the following: "; provided further not less than \$12,000,000 shall be expended for a new addition to the Charlton College of Business at the University of Massachusetts at Dartmouth". The amendment was adopted.

Messrs. Walsh of Lynn and Fennell of Lynn then moved to amend the bill in section 2A, in item 7066-8000, in lines 90 to 93, inclusive, by striking out the following: "provided further, that not less than \$16,715,600 shall be expended for the modernization of the McGee Building at North Shore Community College in the city of Lynn" and inserting in place thereof the following: "provided further, that not less than \$30,715,600 shall be expended for the expansion of North Shore Community College in the city of Lynn". The amendment was adopted.

Representatives Sannicandro of Ashland and Richardson of Framingham then moved to amend the bill in section 12, in line 5, by striking out item number "7066-2010"; and the amendment was adopted.

Mr. Cabral of New Bedford then moved to amend the bill in section 2A by adding at the end of item 7100-1000 the following: "; provided further that not less than \$1,000,000 shall be expended for the Portuguese American Archives at UMass-Dartmouth campus". The amendment was adopted.

The same member then moved to amend the bill in section 2A by adding at the end of item 7100-1000 the following: "; provided further that not less than \$500,000 shall be expended for the expansion, retrofitting, or renovation of the Center for Portuguese Studies at UMass-Dartmouth campus". The amendment was adopted.

Mr. Torrisi of North Andover and other members of the House then moved to amend the bill in section 2A, in item 7100-1000, in lines 97 to 100, inclusive, by striking out the following: "provided further, that not less than \$21,718,123 shall be expended for a new allied health building at Northern Essex Community College in the

city of Lawrence and for the renovation of the Spurk Building at Northern Essex Community College in the city of Haverhill" and inserting in place thereof the following: "provided further, that not less than \$31,718,123 shall be expended for a new allied health building at Northern Essex Community College in the city of Lawrence and for the renovation of the Spurk Building at Northern Essex Community College in the city of Haverhill". The amendment was adopted.

Mr. DeLeo of Winthrop then moved to amend the bill in section 2A, in item 7066-8000, in lines 117, 118 and 119, by striking out the following: "provided further, that not less than \$88,200,000 shall be expended for the Conant Science Center modernization and addition at Bridgewater State College" and inserting in place thereof the following: "provided further, that not less than \$98,696,000 shall be expended for the Conant Science Center modernization and addition at Bridgewater State College", and in said item by striking out the figures "\$1,110,500,000" and inserting in place thereof the figures "\$1,189,055,6308", and in item 7100-1000 by striking out the figures "\$1,000,000,000" and inserting in place thereof the figures "\$1,001,500,000"; and in section 11, in line 5, by striking out the figures "\$2,110,500,000" and inserting in place thereof the figures "\$2,190,555,630".

The amendments were adopted.

After remarks on the question on passing the bill, as amended, to be engrossed, in concurrence, the sense of the House was taken by yeas and nays, at the request of Mr. Murphy of Lowell; and on the roll call 156 members voted in the affirmative and 0 in the negative.

[See Ye and Nay No. 479 in Supplement.]

Therefore the bill (Senate, No. 2785, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment adopted by the House (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5024, amended).

Recess.

At a quarter after ten o'clock P.M., on motion of Mr. Dimasi of Boston (Mr. Donato of Medford being in the Chair), the House recessed until eleven o'clock A.M. on Wednesday, July 30; and at that time, the House was called to order with Mr. Donato of Medford in the Chair.

Wednesday, July 30, 2008 (at 11:00 o'clock A.M.).

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

God, Our Creator, we begin today's formal legislative session with the intention of enacting legislation which, we believe, meets the current needs and the reasonable expectations of people, our communities and the Commonwealth. Teach us, both elected leaders and interested citizens in our diverse communities, to define clearly and to serve fairly the common good in these difficult times. May

Bill passed
to be
engrossed,
yea and nay
No. 479.

Recess.

Prayer.

we continue to have an open but critical mind as we evaluate the vast amount of data and information which comes to our attention on a daily basis. In this competitive world, strengthen our efforts to encourage all people to use their personal talents and intellectual gifts in a constructive manner. Inspire us to continue to be enthusiastic and optimistic, even in this era of worldwide violence, to continue our national policy of protecting and respecting the personal dignity and human rights of each individual in our society.

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

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

Statement of Representative Callahan of Sutton.

A statement of Ms. Callahan of Sutton 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 the early portion of today's sitting due to a family medical emergency. My missing of roll call numbers 480, 481, 482 and 483 was due entirely to the reason stated.

Guests of the House.

During the session, Ms. Reinstein of Revere took the Chair, declared a brief recess and introduced Jonathan McTague of Saugus, who sang the Star Spangled Banner. He was the guest of Representative Reinstein.

During the session, Mr. Turkington of Falmouth took the Chair, declared a brief recess and introduced Katie Mayhew of West Tisbury. The Martha's Vineyard Regional High School sophomore won the chance to sing with the Boston Pops after she prevailed over more than 200 contestants in a series of auditions and public performances. Katie, who sang "Joanna" from Sweeny Todd, was the guests of Representative Turkington.

During the session, Mr. Kujawski of Webster took the Chair, declared a brief recess, introduced Bill Monbouquette of Medford, former Boston Red Sox hall of famer, and read resolutions previously adopted in the House in his honor. Mr. Monbouquette, who is currently a spokesman for bone marrow donors at the Dana Farber Cancer Institute and battling Leukemia himself, then addressed the House briefly. He was the guest of Representatives Kujawski and Donato of Medford.

Recess.

At eight minutes after eleven o'clock A.M., on motion of Mr. Rodrigues of Westport (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at nine minutes after one o'clock the House was called to order with Mr. Donato in the Chair.

Papers from the Senate.

The engrossed Bill relative to rates for human and social service programs (see Senate, No. 2764, amended), which had been returned to the Senate by His Excellency the Governor, in accordance with the provisions of Article LVI of the Amendments to the Constitution, with recommendation of amendments (for message, see Senate, No. 2850), came from said branch with endorsement that it had adopted the amendments recommended by His Excellency contained in said message and as corrected by the Senate committee on Bills in the Third Reading.

Under suspension of the rules, on motion of Mr. Scaccia of Boston, the amendments were considered forthwith; and they were it was adopted, in concurrence.

The Senate Bill to promote cost containment, transparency and efficiency in the delivery of quality health care (Senate, No. 2660, amended) came from the Senate with the endorsement that said branch had non-concurred with the House in its amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4974).

The bill bore the further endorsement that the Senate had asked for a committee of conference on the disagreeing votes of the two branches; and that Senators Moore, Panagiotakos and Tisei had been appointed as the committee on the part of the Senate.

On motion of Mrs. Walrath of Stow, the House insisted on its amendment; and concurred with the Senate in the appointment of a committee of conference. Representatives Walrath, Bosley of North Adams and Hargraves of Groton then were appointed as the committee on the part of the House. Sent to the Senate to be noted.

The House Bill providing for the preservation and improvement of land, parks, and clean energy in the Commonwealth (House, No. 5005) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2855.

Under suspension of the rules, on motion of Mr. Smizik of Brookline, 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 Smizik, Dempsey of Haverhill and Evangelidis of Holden then were appointed the committee on the part of the House. Sent to the Senate to be joined.

Subsequently the bill came from the Senate with the endorsement that said branch had insisted on its amendment, concurred in the appointment of a committee of conference; and that Senators Resor, Brewer and Tarr had been joined as the committee on the part of the Senate.

A Bill relative to the North Raynham Water District (Senate, No. 2736, amended at the end of section 1 by adding the following paragraph:

Human and social service rates.

Quality health care.

Committee of conference.

ii

Environmental bond.

Committee of conference.

ii

North Raynham, water district. North

Pledge of allegiance.

Statement of Representative Callahan of Sutton.

Jonathan McTague.

Katie Mayhew.

Bill Monbouquette.

Recess.

Raynham,
water
district.

“The fair market value of the 1.746 acre parcel shall be equal or greater than the fair market value of the 1.45 acre parcel described above, as determined by an independent appraisal. For the purposes of these appraisals, the fair market value of the 1.746 acre parcel shall be calculated in its highest and best use. If there is a disparity in these values in favor of the North Raynham Water District, Prospect Leasing Inc. will pay a sum equal to the difference to the North Raynham Water District for deposit in its water supply land conservation fund or otherwise dedicated to preservation of water supply land.”) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

Bills

Special state
police officers.

To provide for the public inspection of law enforcement records made or received by special state police officers at colleges and universities (Senate, No. 2657) (on Senate, No. 1872 and House, No. 3249);

Weymouth,
water supply
land.

Authorizing the town of Weymouth to transfer certain water supply land (Senate, No. 2734) (on a petition) [Local Approval Received];

Credit unions,
mortgages

Relative to credit union mortgages (Senate, No. 2854) (on Senate bill No. 647);

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

Reports of Committees.

Boston,
ballots.

By Mr. Scaccia of Boston, 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 Michael F. Rush (with the approval of the mayor and city council) that the Secretary of the Commonwealth be directed to prepare ballots in English-Chinese and English-Vietnamese for designated polling places in the city of Boston. Under suspension of the rules, on motion of Mr. Rush of Boston, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Election Laws. Sent to the Senate for concurrence.

Correctional
facilities,
assaults.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill punishing assault and battery by means of a bodily substance upon correctional facility employees (Senate, No. 1341),—and recommending that the same be referred to the committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted.

Mobile home

By Mr. Scaccia of Boston, for the committee on Rules, on House No. 4626, reported, in part, a Bill providing for the promotion of affordable housing through the promotion of manufactured housing in the Commonwealth (House, No. 1293).

parks,
rent control.

By the same member, for the same committee, on House No. 4885, reported, in part, a Bill relative to educator excellence (House, No. 451).

Educators,
excellence
fund.

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

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relative to a parcel of land in the city of Lowell (Senate, No. 2726) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Lowell,
land
parcel.

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

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

Subsequently, under suspension of Rule 7A, on motion of Mr. Nangle of Lowell, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, in concurrence.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill further regulating rates of pilotage and pilot requirements (Senate, No. 515, amended) ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5036. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Pilotage
rates.

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

Under suspension of Rule 7A, on motion of Mr. Verga of Gloucester, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the bill (Senate, No. 515, amended) was ordered to a third reading.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relative to Rutland Heights State Hospital (Senate, No. 2353, amended) ought to pass with an amendment by striking out sections 1 to 4, inclusive. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Rutland
Heights
State
Hospital.

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

Under suspension of Rule 7A, on motion of Mr. Pedone of Worcester, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the bill (Senate, No. 2353, amended) was ordered to a third reading.

Holden,

land
conveyance.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill authorizing the Division of Capital Asset Management and Maintenance to grant an easement in certain land in the town Holden (Senate, No. 2794, amended) ought to pass with an amendment in section 1, in line 14, by striking out the words "a single family residence" and inserting in place thereof the words "educational or scientific purposes consistent with the mission of the Worcester Natural History Society or not more than two dwelling units". Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Under suspension of Rule 7A, on motion of Mr. Evangelidis of Holden, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the bill (Senate, No. 2794, amended) was ordered to a third reading.

Sherborn,
land.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill authorizing the conveyance of certain Commonwealth property to the town of Sherborn (House, No. 4630) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 5043). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Under suspension of Rule 7A, on motion of Mr. Linsky of Natick, 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. 5043) was ordered to a third reading.

Newburyport,
land.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land to the city of Newburyport (House, No. 4716) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 5038). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Under suspension of Rule 7A, on motion of Mr. Costello of Newburyport, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill (House, No. 5038) was ordered to a third reading.

Acton,
Concord,
open space.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill designating certain land in the towns of Acton and Concord for conservation, agriculture, open space and recreational purposes (Senate, No. 38, amended) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill authorizing the conveyance of an easement over certain conservation and recreation lands in the town of Blackstone (Senate, No. 45) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

Blackstone,
land.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill designating certain land in the town of Monson from agricultural, conservation and public recreation purposes (Senate, No. 2695, amended) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

Monson,
conservation
and recreation
land.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relative to safety at the John Adams Courthouse (Senate, No. 2777) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

John Adams
Courthouse,
safety.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill establishing a sick leave bank for Gloria Phillips, an employee of the Department of Public Health (Senate, No. 2787, changed) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

Gloria
Phillips,
sick leave
bank.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill providing the terms of certain bonds to be issued by the Commonwealth to finance production and preservation

Housing
bonds,
terms.

Housing

bonds,
terms.

of housing for low and moderate income residents and certain other bonds and notes to be issued by the Commonwealth (printed in House, No. 4813) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

Westborough,
land.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relative to the disposition of property in the town of Westborough (House, No. 4853) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

Kingston,
Route 3
ramp.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill authorizing the Department of Highways and the town of Kingston to exchange a certain parcel of land (House, No. 4913) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

Tewksbury,
land lease.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill authorizing the town of Tewksbury to enter into a lease with the Division of Capital Asset Management (House, No. 4943) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

Mammograms,
ratification.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Bill relative to the notification of mammographic examinations (House, No. 2188) be scheduled for consideration by the House.

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

Ashland,
town
charter.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the charter of the

town of Ashland (House, No. 4790) be scheduled for consideration by the House.

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

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the town of Arlington to issue pension obligation bonds or notes (House, No. 4876) be scheduled for consideration by the House.

Arlington, pen-
sion
bonds.

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

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing affordable housing covenants in the town of Arlington (House, No. 4938) be scheduled for consideration by the House.

Arlington,
affordable
housing.

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

Emergency Measures.

The engrossed Bill concerning marriage laws (see Senate, No. 800), 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.

Marriage.

Pending the question on adoption of the emergency preamble, the Chair (Mr. Donato of Medford), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 143 members were recorded as being in attendance.

Quorum,
yea and nay
No. 480.

[See Yea and Nay No. 480 in Supplement.]

Therefore a quorum was present.

On the question on adoption of the emergency preamble, a separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 100 to 10. 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.

Russell and
Montgomery,
easements.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to grant a certain easement over lands held for conservation and recreation purposes (see Senate, No. 2511, 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.

Russell and

Montgomery,
easements.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 49 to 1. Sent to the Senate for concurrence.

Engrossed Bill — Land Taking.

Harwich,
cemetery
land.

The engrossed Bill authorizing the town of Harwich to acquire certain real property (see House, No. 4257, amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill re-enacted
(land taking),
yea and nay
No. 481.

On the question on passing the bill to be re-enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 481 in Supplement.]

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

Emergency Measure.

Somerville,
land.

The engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to make certain conveyances in the city of Somerville (see Senate, No. 2705), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 12 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was put upon its final passage.

Bill enacted (land
taking), yea
and nay
No. 482.

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. 482 in Supplement.]

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

Engrossed Bill — Land Taking.

Acton,
property
lease.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to lease certain property to the town of Acton (see Senate, No. 2509) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted (land

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.

taking), yea
and nay
No. 483.

[See Yea and Nay No. 483 in Supplement.]

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

Matters Discharged from the Orders of the Day.

Mr. Perry of Sandwich moved that the engrossed Bill establishing a sudden infant death syndrome advisory council (see House, No. 1678), which had been returned to the House by His Excellency the Governor with recommendation of amendment (for message, see House, No. 5012), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

SIDS,
advisory
council.

The amendment recommended by the Governor then was considered in the following form (as approved by the committee on Bills in the Third Reading):

In section 1 by striking out clause (g).

The House then refused to adopt the amendment recommended by His Excellency.

Mr. Perry then moved to amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. The state child fatality review team, established by section 2A of chapter 38 of the General Laws, shall conduct a study of training and protocols related to sudden, unexplained deaths of children under the age of 3. The team shall examine the adoption of statewide training and protocols, including those developed by the federal Centers for Disease Control, for first responders and investigators, including emergency medical systems personnel, municipal police, state police, and medical examiners. The training and protocols shall promote: (1) forensically competent death scene investigations and autopsies; (2) sensitivity towards families and child care providers affected by these deaths, including notification of available community resources and support groups; and (3) coordination with experts, including the Massachusetts Center for Sudden Infant Death Syndrome at Boston Medical Center Corporation, to provide research data on these deaths. The team shall solicit input from persons who have been affected by these types of deaths.

The team shall submit a report of its findings and any legislative or regulatory recommendations to the secretary of public safety, the secretary of health and human services, and the general court, by filing the report with the house and senate clerks, no later than July 1, 2009.

SECTION 2. This act shall be known as the Paige Victoria Perry Act.”; and by striking out the title and inserting in place thereof the following title: “An Act relative to sudden, unexplained child deaths.”

The amendments were adopted. Sent to the Senate for its action.

system.

Mr. Kaufman of Lexington moved that the engrossed Bill relative to the Commonwealth's pension system (see House, No. 4959), being a printed copy of sections 11 and 12 contained in the engrossed Bill making appropriations for the fiscal year 2009 (see House, No. 4900), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see attachment D of House, No. 4957), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking out all after the enacting clause and inserting in place thereof the text contained in said message.

The House then refused to adopt the amendment recommended by His Excellency.

Mr. Kaufman then moved to amend the bill by striking out section 2 and inserting in place thereof the following six sections:

"SECTION 2. Section 102 of said chapter 32, as so appearing, is hereby amended by striking out, in line 7, the words 'and the teachers' retirement system' and inserting in place thereof the following words:— , the teachers' retirement system and teachers who are members of the state-Boston retirement system.

SECTION 3. Said section 102 of said chapter 32, as so appearing, is hereby further amended by striking out, in lines 32, 36, and 43, the figure '\$12,000' and inserting in place thereof, in each instance, the following figure:— \$16,000.

SECTION 4. Notwithstanding the provisions of any general or special law to the contrary, in any case where a former employee, spouse, or other beneficiary is receiving an annual retirement allowance, pension or annuity which is \$40,000 or more, exclusive of additional annuity obtained by special purchase under paragraph (g) of subdivision (1) of section 22 of chapter 32 of the General Laws, the sum of \$16,000 referred to in said subdivision (1) shall be reduced to \$12,000.

SECTION 5. Section 4 shall only apply for fiscal year 2009.

SECTION 6. The second paragraph of section 111 of chapter 182 of the acts of 2008 is hereby amended by inserting after the words 'cost-of-living-adjustments base' the following words:— , the impact of instituting a tiered cost-of-living base system tied to the value of a retiree's pension.

SECTION 7. This act shall take effect as of July 1, 2008."

The amendment was adopted. Sent to the Senate for its action.

Students, age requirements.

The Senate Bill relative to age requirements for certain students (Senate, No. 286) (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 Mrs. Haddad of Somerset; and it was passed to be engrossed, in concurrence.

Wellesley,

The Senate Bill relative to certain easements held by the Commonwealth of Massachusetts and the Massachusetts Water Resources Authority in the town of Wellesley (Senate, No. 2219), 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. Peisch of Wellesley; and it was passed to be engrossed, in concurrence.

easements.

The Senate Bill establishing a special reserve fund in the town of Sunderland (Senate, No. 2686), 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. Kulik of Worthington; and it was passed to be engrossed, in concurrence.

Sunderland, reserve fund.

The Senate Bill to improve dropout prevention and reporting of graduation rates (Senate, No. 2766, amended), 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. St. Fleur of Boston; and it was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment previously adopted by the House.

Dropout rates, graduation.

The House Bill relative to discontinuing that portion of Gravelly Brook Road lying in the town of Topsfield as a county highway (House, No. 4065) (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. Speliotis of Danvers; and it was passed to be engrossed. Sent to the Senate for concurrence.

Topsfield, Gravelly Brook Road.

The House Bill relative to certain health insurance options for municipal retirees (House, No. 4516) (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. Kaufman of Lexington; and it was passed to be engrossed. Sent to the Senate for concurrence.

Municipal retirees, insurance.

The House Bill limiting use of eminent domain in the city of Amesbury (House, No. 4583) (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; and it was passed to be engrossed. Sent to the Senate for concurrence.

Amesbury, eminent domain.

The House Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land in the city of North Adams (House, No. 4585), 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. Kulik of Worthington; and it was passed to be engrossed. Sent to the Senate for concurrence.

North Adams, land.

Deerfield, land.

The House Bill releasing certain land in the town of Deerfield from the operation of an agricultural preservation (House, No. 4779), having been 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. Bosley of North Adams; and it was passed to be engrossed. Sent to the Senate for concurrence.

Middle
education.

The House Resolve reviving and continuing the special commission relative to middle education in the Commonwealth (House, No. 4800) (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 Mrs. Haddad of Somerset; and it was passed to be engrossed. Sent to the Senate for concurrence.

Revere,
reserve
firemen.

The House Bill authorizing the mayor to appoint an additional eight members to the reserve force of firemen of the fire department of the city of Revere (House, No. 4838) (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 Ms. Reinstein of Revere; and it was passed to be engrossed. Sent to the Senate for concurrence.

Topsfield,
selectmen.

The House Bill authorizing the State Secretary to place the office of selectmen on the state election ballot in the town of Topsfield (printed in House, No. 4884) (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. Bradley of Hingham; and it was passed to be engrossed. Sent to the Senate for concurrence.

District
courts.

The House Bill relative to district courts (House, No. 4954), 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. O'Flaherty of Chelsea; and it was passed to be engrossed. Sent to the Senate for concurrence.

Sunderland,
land.

The House Bill providing for a partial release of certain land in Sunderland from the operation of an agricultural preservation restriction (House, No. 5011), 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. Kulik of Worthington; and it was passed to be engrossed. Sent to the Senate for concurrence.

Kingston,
funds.

The Senate Bill authorizing a certain transfer of funds in the town of Kingston (Senate, No. 2690) was read a second time, under suspension of Rule 47, on motion of Mr. Calter of Kingston; and it was ordered to a third reading.

Optometric
care.

The recommitted House Bill relative to the modernization of optometric patient care (House, No. 2044) was read a second time, under suspension of Rule 47, on motion of Mr. Koutoujian of Waltham; and it was ordered to a third reading.

Green
jobs.

The House Bill relative to green jobs in the Commonwealth (House, No. 5018), 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. Bosley of North Adams.

Pending the question on passing the bill to be engrossed, the same member moved to amend it in section 1, in proposed subsection (c), in clause (2) and in clause (4), by striking out, in each instance, the word "matching"; in section 2, in subsection 1, in the definition of "Bonds", by striking out the following: "issued by or entered into by the center pursuant to sections 2 and 3", at the end of the definition of "Clean energy", by inserting after the words "recyclable fuel" the following: "and for purposes of this Act, an alternative energy generating source as defined in clauses (1) to (5), inclusive, of subsection (a) of section 11F1/2 of chapter 25A", in subsection 2, in subsection (b), by inserting after the word "Trust" the following: ", 1 of whom shall be the executive director of the Massachusetts Technology Collaborative", and at the beginning of subsection (c), by striking out the word "Five" and inserting in place thereof the word "Six"; in section 3, in subsection (a), in clause (13), by inserting after the words "public purposes" the words "provided that all such funds be placed, in their entirety, in the fund", at the end of clause (16), by inserting after the words "subdivision thereof" the words "provided that all said revenues be placed, in their entirety, in the fund", and in clause (28), by striking out the word "would" and inserting in place thereof the word "may"; in section 8, by inserting after the words "higher education", each time they appear, and also by inserting after the words "technical schools", each time they appear, the words ", as defined in this section,".

The amendments were adopted.

After remarks Mr. Cabral of New Bedford and other members of the House moved to amend the bill in section 13, in the first sentence, by inserting after the words "environmental affairs" the words ", in consultation with secretary of labor and workforce development"; and in the second paragraph, by striking out the following: "by awarding at least 1 grant to entities located in the western 4 counties, 1 in Worcester and Middlesex counties, and 1 in the remaining eastern counties" and inserting in place thereof the words "with consideration given to the commonwealth's gateway cities, which shall include Brockton, Fall River, Fitchburg, Haverhill, Holyoke, Lawrence, Lowell, New Bedford, Pittsfield, Springfield, and Worcester". After debate the amendments were adopted.

After debate on the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Sanchez of Boston; and on the roll call 156 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 484 in Supplement.]

Therefore the bill (House, No. 5018, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Bill passed
to be
engrossed,
yea and nay
No. 484.

Global
warming.*Reports of Committees.*

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill establishing the Global Warming Solutions Act (Senate, No. 2540) ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5035. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Under suspension of Rule 7A, on motion of Mr. Smizik of Brookline, the bill was read a second time forthwith.

Pending the question on adoption of the amendment recommended by the committee on Ways and Means, Mr. Jones of North Reading and other members of the House moved to amend the proposed substitute text by striking out section 9, as follows:

“SECTION 9. Notwithstanding any general or special law to the contrary, nothing in this act shall restrict the secretary from adopting greenhouse gas emission limits or emission reduction measures prior to January 1, 2011, imposing those limits or measures prior to January 1, 2012, or providing early reduction credit, where appropriate, nor shall this act be seen as preventing any more stringent limits on emissions.”; and inserting in place thereof the following section:

“SECTION 9. Nothing in this act shall be construed to restrict the secretary from adopting greenhouse gas emission limits or emission reductions measures prior to January 1, 2011 that are consistent with the intent or purpose of general or special laws, rules or regulations; imposing those limits prior to January 1, 2012; or providing early reduction credit where appropriate, nor shall this act be seen as preventing any more stringent limits on emissions.”.

The further amendment was adopted.

The amendment recommended by the committee on Ways and Means (text of House, No. 5035, printed as amended) then also was adopted.

After debate on the question on ordering the bill, as amended, to a third reading (Mr. Petrolati of Ludlow being in the Chair), Ms. Flanagan of Leominster asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 153 members were recorded as being in attendance.

[See Yea and Nay No. 485 in Supplement.]

Therefore a quorum was present.

After remarks on the question on ordering the bill, as amended, to a third reading, the sense of the House was taken by yeas and nays, at the request of Mr. Smizik of Brookline; and on the roll call (the Speaker being in the Chair) 155 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 486 in Supplement.]

Quorum.

Quorum,
yea and nay
No. 485.Bill ordered
to a third
reading,
yea and nay
No. 486.

[Representatives deMacedo of Plymouth and Rogeness of Longmeadow answered “Present” in response to their names.]

Therefore the bill (Senate, No. 2540, amended) was ordered to a third reading.

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

Pending the question on passing the bill, as amended, to be engrossed, in concurrence, the same member moved to amend it in section 6, in subsection 2, in paragraph (a), by striking out clause (5) and inserting in place thereof the following clause:

“(5) require reporting of greenhouse gas emissions from generation sources producing all electricity consumed, including transmission and distribution line losses from electricity generated within the commonwealth or imported from outside the commonwealth; provided, however, that this requirement shall apply to all retail sellers of electricity, including electric utilities, municipal electric departments and municipal light boards as defined in section 1 of chapter 164A”.

The amendment was adopted; and the bill (Senate, No. 2540, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment adopted by the House (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5035, printed as amended).

Emergency Measure.

The engrossed Bill providing for the disposition of certain property at Medfield State Hospital (see House, No. 4214), 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 26 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was put upon its final passage.

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 (Ms. Reinstein of Revere having been in the Chair) 157 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 487 in Supplement.]

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

Medfield
State
Hospital,
land.Bill enacted (land
taking), yea
and nay
No. 487.

Report of a Committee.

Transportation,
boards.

The Speaker being in the Chair,—

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 2800) of the House Bill financing improvements to the Commonwealth's transportation system (House, No. 4846), reported a bill with the same title (House, No. 5039).

Under suspension of the rules, on motion of Mr. Wagner of Chicopee, the report was considered forthwith.

After remarks 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 (Mr. Donato of Medford being in the Chair) 157 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 488 in Supplement.]

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

Committee of
conference
report
accepted,
yea and nay
No. 488.

Dudley,
land.

Engrossed Bill — Land Taking.

The engrossed Bill releasing certain land in Dudley from the operation of an agricultural preservation restriction (see Senate, No. 46, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 156 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 489 in Supplement.]

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

Bill enacted (Land
taking), yea
and nay
No. 489.

General
Appropriation
Bill.

Reports of Committees.

Mr. DeLeo of Winthrop, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 4956), returning with his disapproval of certain items and a section and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2009 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. 4900), reported, in part, in each instance, that certain items (contained in section 2) stand (as passed by the General Court). Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported, in each instance, that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, in each instance, on motion of Mr. DeLeo, the following items and section 104 were considered; and the sense of the House, in each instance, was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution, as follows:

Item 2300-0100 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had stricken certain wording and reduced said item from \$5,700,068 to \$5,500,068.

After debate the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 137 members voted in the affirmative and 20 in the negative.

[See Yea and Nay No. 490 in Supplement.]

Therefore item 2300-0100 (contained in section 2) was passed, notwithstanding the reduction 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 2511-0100 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had stricken certain wording and reduced said item from \$5,506,927 to \$5,187,195.

After debate the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 136 members voted in the affirmative and 20 in the negative.

[See Yea and Nay No. 491 in Supplement.]

Therefore item 2511-0100 (contained in section 2) was passed, notwithstanding the reduction 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 2800-0500 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had stricken certain wording and reduced said item from \$4,303,025 to \$4,120,000.

After remarks the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 136 members voted in the affirmative and 20 in the negative.

[See Yea and Nay No. 492 in Supplement.]

Therefore item 2800-0500 (contained in section 2) was passed, notwithstanding the reduction 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 2820-0300 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had reduced said item from \$1,603,959 to \$1,438,634.

Division of
Marine
Fisheries
item 2300-0100
stands,
yea and nay
No. 490.

Department of
Agriculture
item 2511-0100
stands,
yea and nay
No. 491.

DCR beaches
item 2800-0500
stands,
yea and nay
No. 492.

Central Artery
tunnel parks item
2820-0300
stands,

yea and nay
No. 493.

After remarks the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 132 members voted in the affirmative and 24 in the negative.

[See Yea and Nay No. 493 in Supplement.]

Therefore item 2820-0300 (contained in section 2) was passed, notwithstanding the reduction 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 4120-2000 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had stricken certain wording and reduced said item from \$10,982,471 to \$10,882,471.

After debate (Mrs. Harkins of Needham being in the Chair) the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 138 members voted in the affirmative and 19 in the negative.

[See Yea and Nay No. 494 in Supplement.]

Therefore item 4120-2000 (contained in section 2) was passed, notwithstanding the reduction 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 4120-3000 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had stricken certain wording and reduced said item from \$8,561,446 to \$8,461,446.

After debate the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 138 members voted in the affirmative and 19 in the negative.

[See Yea and Nay No. 495 in Supplement.]

Therefore item 4120-3000 (contained in section 2) was passed, notwithstanding the reduction 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 4120-4000 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had stricken certain wording and reduced said item from \$12,449,034 to \$12,349,034.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 138 members voted in the affirmative and 19 in the negative.

[See Yea and Nay No. 496 in Supplement.]

Therefore item 4120-4000 (contained in section 2) was passed, notwithstanding the reduction 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 4120-6000 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had stricken certain wording and reduced said item from \$10,933,588 to \$10,833,588.

Vocational
rehabilitation
item 4120-2000
stands,
yea and nay
No. 494.

Employment
assistance and
services
item 4120-3000
stands,
yea and nay
No. 495.

Independent
living
item 4120-4000
stands,
yea and nay
No. 496.

Head injured
services
item 4120-6000
stands,

yea and nay
No. 497.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 138 members voted in the affirmative and 18 in the negative.

[See Yea and Nay No. 497 in Supplement.]

Therefore item 4120-6000 (contained in section 2) was passed, notwithstanding the reduction 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 4403-2120 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had stricken certain wording and reduced said item from \$87,224,342 to \$86,579,147.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 135 members voted in the affirmative and 20 in the negative.

[See Yea and Nay No. 498 in Supplement.]

Therefore item 4403-2120 (contained in section 2) was passed, notwithstanding the reduction 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 4510-0710 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had stricken certain wording and reduced said item from \$8,817,714 to \$8,717,714.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 137 members voted in the affirmative and 19 in the negative.

[See Yea and Nay No. 499 in Supplement.]

Therefore item 4510-0710 (contained in section 2) was passed, notwithstanding the reduction 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 4513-1000 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had stricken certain wording and reduced said item from \$7,620,000 to \$7,260,000.

After debate the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 131 members voted in the affirmative and 25 in the negative.

[See Yea and Nay No. 500 in Supplement.]

Therefore item 4513-1000 (contained in section 2) was passed, notwithstanding the reduction 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 4513-1111 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had stricken certain wording and reduced said item from \$14,709,996 to \$14,198,362.

Emergency
assistance
family shelters
item 4403-2120
stands,
yea and nay
No. 498.

Health care
quality
administration
item 4510-0710
stands,
yea and nay
No. 499.

Family health
services
item 4513-1000
stands,
yea and nay
No. 500.

Health
promotion and
disease
prevention

item 4513-1111
stands,
yea and nay
No. 501.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call (Mr. Donato of Medford being in the Chair 136 members voted in the affirmative and 19 in the negative).

[See Yea and Nay No. 501 in Supplement.]

Therefore item 4513-1111 (contained in section 2) was passed, notwithstanding the reduction 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 4590-0250 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had reduced said item from \$17,457,134 to \$17,067,134.

After remarks the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 148 members voted in the affirmative and 9 in the negative.

[See Yea and Nay No. 502 in Supplement.]

Therefore item 4590-0250 (contained in section 2) was passed, notwithstanding the reduction 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.

The Chair (Mr. Donato of Medford) then placed before the House the question on suspension of Rule 1A in order that the House might continue to meet beyond the hour of nine o'clock P.M.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provision of said rule; and on the roll call 133 members voted in the affirmative and 23 in the negative.

[See Yea and Nay No. 503 in Supplement.]

Therefore Rule 1A was suspended.

Item 5920-2000 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had stricken certain wording and reduced said item from \$569,561,352 to \$568,961,352.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 141 members voted in the affirmative and 16 in the negative.

[See Yea and Nay No. 504 in Supplement.]

Therefore item 5920-2000 (contained in section 2) was passed, notwithstanding the reduction 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 5920-3010 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had stricken certain wording and reduced said item from \$6,264,413 to \$5,264,413.

School health
services
item 4590-0250
stands,
yea and nay
No. 502.

Suspension of
Rule 1A.

Rule 1A
suspended,
yea and nay
No. 503.

Vendor operated
residential and
day community
services
item 5920-2000
stands,
yea and nay
No. 504.

Autism Division
item 5920-3010
stands,
yea and nay

After remarks the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 154 members voted in the affirmative and 3 in the negative.

[See Yea and Nay No. 505 in Supplement.]

Therefore item 5920-3010 (contained in section 2) was passed, notwithstanding the reduction 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.

Resolutions.

Resolutions (filed this day by Mr. Peterson of Grafton) recognizing the Supreme Court's decision on the Second Amendment (House, No. 5029) were referred, under Rule 85, to the committee on Rules.

Mr. Scaccia of Boston, for said committee, reported that the resolutions ought to be adopted. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Under suspension of Rule 7A, on motion of Mr. Peterson, the resolutions (having been reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith.

Pending the question on adoption of the resolutions, Mr. Linsky of Natick moved to amend them by striking out all after the title and inserting in place thereof the following:

"Whereas, On Thursday, June 26, 2008 the Supreme Court of the United States affirmed that the Second Amendment to the Constitution protects an individual's civil right to possess a firearm unconnected with service in a militia; and

Whereas, On Thursday, June 26, 2008 the Supreme Court of the United States affirmed that the Second Amendment to the Constitution protects an individual civil right to use arms for traditionally lawful purposes; and

Whereas, On Thursday, June 26, 2008 the Supreme Court of the United States affirmed that the Second Amendment to the Constitution protects the lawful use of arms for self-defense within the home; and

Whereas, On Thursday, June 26, 2008 the Supreme Court of the United States affirmed that the core lawful purpose of the Second Amendment is self defense; and

Whereas, The term firearm used in this resolution is a generic term not specific to any class of guns; now therefore be it

Whereas, That the Massachusetts General Court joins in the opinion of the United States Supreme Court and officially recognizes that the Second Amendment to the Constitution does protect an individual civil right to possess a firearm unconnected with service in a militia and protects an individual civil right to use arms for traditionally lawful purposes and protects the lawful use of arms for self-defense within the home and officially recognizes that the core lawful purpose of the Second Amendment to the Constitution is self defense; and be it further

No. 505.

Firearms,
SJC
Ruling.

Resolutions
adopted,
yea and nay
No. 506.

Resolved, That a copy of these resolutions be transmitted forthwith by the Clerk of the House of Representatives to Gun Owners' Action League.”

The amendment was adopted.

On the question on adoption of the resolutions, as amended, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson; and on the roll call 115 members voted in the affirmative and 40 in the negative.

[See Yea and Nay No. 506 in Supplement.]

[Messrs. Guyer of Dalton and Moran of Boston answered “Present” in response to their names.]

Therefore the resolutions (House, No. 5029, amended) were adopted.

North Adams,
Leo Senecal.

Matters Discharged from the Orders of the Day.

The engrossed Bill authorizing superannuation retirement for Leo Senecal (see House, No. 4139), which had been returned by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 4439), was considered, there being no objection.

Bill passed
over veto,
yea and nay
No. 507.

On the question on passing the bill, notwithstanding the said objections, the sense of the House was determined 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. 507 in Supplement.]

[Ms. Atkins of Concord answered “Present” in response to her name.]

Therefore the bill was passed, notwithstanding the objections of His Excellency the Governor (more than two-thirds of the members having agreed to pass the same). Sent to the Senate for its action.

Fall River,
fire fighters.

The engrossed Bill authorizing the appointment of certain persons as firefighters in the city of Fall River (see House, No. 4089), which had been returned by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 4549), was considered, there being no objection.

Bill passed
over veto,
yea and nay
No. 508.

On the question on passing the bill, notwithstanding the said objections, the sense of the House was determined by yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution; and on the roll call 139 members voted in the affirmative and 18 in the negative.

[See Yea and Nay No. 508 in Supplement.]

Therefore the bill was passed, notwithstanding the objections of His Excellency the Governor (more than two-thirds of the members having agreed to pass the same). Sent to the Senate for its action.

Fitchburg,
Wallace
Civic Center.

Engrossed Bills — Land Takings.

The engrossed Bill authorizing the city of Fitchburg to lease certain park land to the Wallace Civic Center and Planetarium (see Senate, No. 2589) (which originated in the Senate), having been cer-

Bill enacted (land
taking), yea

tified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

and nay
No. 509.

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

[See Yea and Nay No. 509 in Supplement.]

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

Wellesley,
MWRA
easement.

The engrossed Bill relative to certain easements held by the Commonwealth of Massachusetts and the Massachusetts Water Resources Authority in the town of Wellesley (see Senate, No. 2219) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted (land
taking), yea
and nay
No. 510.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 156 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 510 in Supplement.]

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

Shirley,
property
lease.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to lease certain property to the town of Shirley (see Senate, No. 2510) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted (land
taking), yea
and nay
No. 511.

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

[See Yea and Nay No. 511 in Supplement.]

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

Bridge
improvement pro-
gram.

Papers from the Senate.

The House Bill financing an accelerated structurally-deficient bridge improvement program (House, No. 4972) 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 2841.

Under suspension of Rule 35, on motion of Mr. Wagner of Chicopee, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith.

Bridge
improvement pro-
gram.

The same member then moved that the House concur with the Senate in its amendment with the following further amendments:

By striking section 6 and inserting in place thereof the following section:

“SECTION 6. Chapter 6A of the General Laws is hereby amended by inserting after section 8B the following new section:—

Section 8C. (a) There shall be established a structurally deficient bridge improvement program coordination and oversight council, hereinafter referred to as the council. The council shall consist of a chair appointed by the governor, the secretary of the executive office of administration and finance, or his designee, the secretary of the executive office of transportation and public works, the secretary of the executive office of energy and environmental affairs, the commissioner of the department of highways, the commissioner of the department of conservation and recreation, and the commissioner of the division of capital asset management and maintenance.

(b) Said council shall be responsible for the coordination and oversight of the accelerated structurally deficient bridge improvement program including, without limitation:— (i) ensuring regular communication and coordination between the department of highways and the department of conservation and recreation as to their bridge development projects, programs and plans and any regulations or guidelines promulgated pursuant thereto; (ii) establishing and implementing project controls to ensure adequate tracking and reporting of program progress, cost and schedules; (iii) establishing an annual structurally deficient bridge improvement plan which shall include the number and location of bridges which shall be replaced or rehabilitated in the preceding year and the cost estimates of said replacement or rehabilitation; (iv) directing appropriate agencies to provide technical assistance as necessary to accomplish the objectives of the structurally deficient bridge improvement program; (v) coordinating and resolving any inconsistencies between capital investments made pursuant to the structurally deficient bridge improvement program and capital improvements made pursuant to commonwealth’s capital plan; (vi) establish criteria for project selection relative to funding from the structurally deficient bridge improvement program.

(c) The council shall annually, not later than December 31st, submit a report of its activities to the chairs and ranking members of the house and senate committees on ways and means, the chairs and ranking members of joint committee on bonding, capital expenditures and state assets and the chairs and ranking members of the joint committee on transportation. The council shall annually submit a report pursuant to clause (iii) of subsection (b) not later than December 31st to the chairs of the house and senate committees on ways and means, the chairs of joint committee on bonding, capital expenditures and state assets and the chairs of the joint committee on transportation.

(d) The council shall meet at least quarterly. The secretary of executive office of transportation shall provide personnel necessary to coordinate the activities of the council and to provide administrative support to the council, as requested.”;

In section 12, in line 282, and also in line 293, by inserting after the words “maintaining and repairing”, in each instance, the words “highways, roadways, boulevards, and parkways”;

In section 16, in lines 356 and 357, by striking out the words “secretary of administration and finance in conjunction with the secretary of transportation” and inserting in place thereof the word “council”, in line 358, by inserting after the words “any other” the word “MassHighway”, in line 369, by inserting after the words “in the opinion of the” the words “council with consultation from the”, and, in said line, by striking out the words “and public works”;

In section 17, in lines 380 and 381, by striking out the words “secretary of transportation and public works, the department of highways and the department of conservation and recreation, hereinafter referred to as the agencies, shall perform appropriate oversight and” and inserting in place thereof the word “council”, in line 384, by striking out the word “agencies” and inserting in place thereof the word “council”, in line 386 and 387, by striking out the words “secretary of transportation and public works, acting on behalf of the agencies” and inserting in place thereof the word “council”, in line 393, by inserting after the words “subject to a” the word “joint”, and, in line 394, by inserting after the words “oversight hearing conducted by” the words “the joint committee on transportation and”; and

In section 19, lines 403 and 404, and also in line 413, by striking out the words “secretary of transportation and public works” and inserting in place thereof, in each instance, the word “council”.

The further amendments were adopted. After remarks the House concurred with the Senate in its amendment, as amended. Sent to the Senate for concurrence in the further amendments.

Supplemental
appropriations.

The House Bill making appropriations for the fiscal year 2008 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 5022) 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 2857.

Under suspension of Rule 35, on motion of Mr. DeLeo of Winthrop, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith.

Pending the question on concurring with the Senate in its amendment, Mr. Jones of North Reading and Ms. St. Fleur of Boston moved that it be amended by inserting after section 21 the following four sections:

“SECTION 21A. Section 17A of chapter 180 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— Deductions on pay-roll schedules may be made from the salary of any state, county or municipal employee of any amount which such employee may specify in writing to any state, county or municipal officer, or the head of the state, county or municipal department, board of commission, by whom or which he is employed, or which may be specified by a collective bargaining

Supplemental
appropriations.

agreement with the PCA Quality Homecare Workforce Council, for the payment of union dues to an association of state, county or municipal employees, dues to the Massachusetts State Employees Association, dues to the Massachusetts Nurses Association, or dues payable to any relief association of any municipal department.

SECTION 21B. Said section 17A of said chapter 180, as so appearing, is hereby further amended by striking out the first sentence, as amended by section 21A of this act, and inserting in place thereof the following sentence:— Deductions on pay-roll schedules may be made from the salary of any state, county or municipal employee of any amount which such employee may specify in writing to any state, county or municipal officer, or the head of the state, county or municipal department, board or commission, by whom or which he is employed, for the payment of union dues to an association of state, county or municipal employees, dues to the Massachusetts State Employees Association, or dues payable to any relief association of any municipal department.

SECTION 21C. Section 17G of said chapter 180, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— Deductions on pay-roll schedules shall be made from the salary of any state, county or municipal employee of any amount which such employee may specify in writing to any state, county or municipal officer, or the head of the state, county or municipal department, board or commission, by whom or which he is employed, or which may be specified by a collective bargaining agreement with the PCA Quality Homecare Workforce Council, for the payment of agency service fees to the employee organization, which, in accordance with the provisions of chapter 150E is duly recognized by the employer or designated by the labor relations commission as the exclusive bargaining agent for the appropriate unit in which such employee is employed.

SECTION 21D. Said section 17G of said chapter 180, as so appearing, is hereby further amended by striking out the first sentence, as amended by section 21C of this act, and inserting in place thereof the following sentence:— Deductions on pay-roll schedules shall be made from the salary of any state, county or municipal employee of any amount which such employee may specify in writing to any state, county or municipal officer, or the head of the state, county or municipal department, board or commission, by whom or which he is employed, for the payment of agency service fees to the employee organization, which, in accordance with the provisions of chapter 150E is duly recognized by the employer or designated by the labor relations commission as the exclusive bargaining agent for the appropriate unit in which such employee is employed.”.

The further amendment was adopted.

The House then concurred with the Senate in its amendment, as amended. Sent to the Senate for concurrence in the further amendment.

Reports of Committees.

Mr. DeLeo of Winthrop, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 4956), returning with his disapproval of certain items

and a section and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2009 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. 4900), reported, in part, in each instance, that certain items (contained in section 2) stand (as passed by the General Court). Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, 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. DeLeo, the following items and section 104 were considered; and the sense of the House, in each instance, was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution, as follows:

Item 0320-0010 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had reduced said item from \$1,283,205 to \$1,229,651.

On the question on passing said item, notwithstanding the reduction of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 138 members voted in the affirmative and 19 in the negative.

[See Ye and Nay No. 512 in Supplement.]

Therefore item 0320-0010 (contained in section 2) was passed, notwithstanding the reduction 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 0321-1500 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had reduced said item from \$29,294,603 to \$28,836,138.

On the question on passing said item, notwithstanding the reduction of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 138 members voted in the affirmative and 18 in the negative.

[See Ye and Nay No. 513 in Supplement.]

Therefore item 0321-1500 (contained in section 2) was passed, notwithstanding the reduction 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 0330-3200 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had reduced said item from \$66,111,070 to \$65,251,601.

On the question on passing said item, notwithstanding the reduction of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 138 members voted in the affirmative and 19 in the negative.

[See Ye and Nay No. 514 in Supplement.]

Suffolk
County clerk item
0320-0010
stands,
yea and nay
No. 512.

Public council
services
item 0321-1500
stands,
yea and nay
No. 513.

Trial Court
court officers
item 0330-3200
stands,
yea and nay
No. 514.

General
Appropriation
Bill.

Therefore item 0330-3200 (contained in section 2) was passed, notwithstanding the reduction 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 0339-1001 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had reduced said item from \$142,372,102 to \$134,741,944.

On the question on passing said item, notwithstanding the reduction of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 130 members voted in the affirmative and 20 in the negative.

[See Yeas and Nays No. 515 in Supplement.]

[Messrs. Costello of Newburyport, Petrolati of Ludlow and Quinn of Dartmouth answered "Present" in response to their names.]

Therefore item 0339-1001 (contained in section 2) was passed, notwithstanding the reduction 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 0339-1003 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had reduced said item from \$7,776,254 to \$6,119,837.

On the question on passing said item, notwithstanding the reduction of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 129 members voted in the affirmative and 24 in the negative.

[See Yeas and Nays No. 516 in Supplement.]

[Messrs. Alicea of Charlton, Costello of Newburyport, Petrolati of Ludlow and Quinn of Dartmouth answered "Present" in response to their names.]

Therefore item 0339-1003 (contained in section 2) was passed, notwithstanding the reduction 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 0339-1004 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had reduced said item from \$19,316,186 to \$19,110,141.

On the question on passing said item, notwithstanding the reduction of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 129 members voted in the affirmative and 20 in the negative.

[See Yeas and Nays No. 517 in Supplement.]

[Messrs. Alicea of Charlton, Costello of Newburyport, Petrolati of Ludlow and Quinn of Dartmouth answered "Present" in response to their names.]

Therefore item 0339-1004 (contained in section 2) was passed, notwithstanding the reduction 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.

Commissioner
of Probation item
0339-1001
stands,
yea and nay
No. 515.

Community
corrections
administration
item 0339-1003
stands,
yea and nay
No. 516.

Community
corrections
program
item 0339-1004
stands,
yea and nay
No. 517.

Small business
association

Item 7003-1641 (contained in section 2), which had been vetoed by the Governor then was considered.

On the question on passing said item, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 144 members voted in the affirmative and 13 in the negative.

[See Yeas and Nays No. 518 in Supplement.]

Therefore item 7003-1641 (contained in section 2) was passed, notwithstanding the objections 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 7007-1200 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had reduced said item from \$250,000 to \$125,000.

On the question on passing said item, notwithstanding the reduction of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 141 members voted in the affirmative and 16 in the negative.

[See Yeas and Nays No. 519 in Supplement.]

Therefore item 7007-1200 (contained in section 2) was passed, notwithstanding the reduction 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 7061-0011 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had stricken certain wording and reduced said item from \$5,500,000 to \$5,250,000.

On the question on passing said item, notwithstanding the reduction of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 139 members voted in the affirmative and 18 in the negative.

[See Yeas and Nays No. 520 in Supplement.]

Therefore item 7061-0011 (contained in section 2) was passed, notwithstanding the reduction 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 8100-0000 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had stricken certain wording and reduced said item from \$256,755,080 to \$256,514,959.

On the question on passing said item, notwithstanding the reduction of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 139 members voted in the affirmative and 18 in the negative.

[See Yeas and Nays No. 521 in Supplement.]

Therefore item 8100-0000 (contained in section 2) was passed, notwithstanding the reduction of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 8324-0000 (contained in section 2), which had been reduced by the Governor, was considered.

item 7003-1641
stands,
yea and nay
No. 518.

Mass technology
collaborative item
7007-1200
stands,
yea and nay
No. 519.

Foundation
reserve
item 7061-0011
stands,
yea and nay
No. 520.

Department of
State Police
item 8100-0000
stands,
yea and nay
No. 521.

Department of
Fire Services

item 8324-0000
stands,
yea and nay
No. 522.

The Governor had stricken certain wording and reduced said item from \$19,398,315 to \$16,369,503.

After debate the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 142 members voted in the affirmative and 15 in the negative.

[See Yea and Nay No. 522 in Supplement.]

Therefore item 8324-0000 (contained in section 2) was passed, notwithstanding the reduction 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.

New Bedford,
wine and malt
beverages.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the city of New Bedford to grant eighteen additional licenses for the sale of wine and malt beverages to be drunk on the premises (House, No. 4994) be scheduled for consideration by the House.

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

Easthampton,
land.

Engrossed Bills — Land Takings.

The engrossed Bill authorizing the partial release of certain land in Easthampton from the operation of an agricultural preservation restriction (see Senate, No. 42) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted (land
taking), yea
and nay
No. 523.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 156 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 523 in Supplement.]

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

Middlebor-
ough,
water supply.

The engrossed Bill authorizing the town of Middleborough to use a portion of town-owned land for purposes other than water supply protection and storage (see Senate, No. 1189) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted (land
taking), yea
and nay
No. 524.

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

[See Yea and Nay No. 524 in Supplement.]

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

Gardner,
land
conveyance.

The engrossed Bill relative to the leasing of a certain parcel of land in the town of Gardner (see Senate, No. 2696, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted (land
taking), yea
and nay
No. 525.

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

[See Yea and Nay No. 525 in Supplement.]

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

Belchertown,
sewer
easement.

Emergency Measure.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to grant a sewer easement in certain land in the town of Belchertown (see Senate, No. 2355, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 11 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was put upon its final passage.

Bill enacted (land
taking), yea
and nay
No. 526.

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

[See Yea and Nay No. 526 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
parcel.

Engrossed Bill — Land Taking.

The engrossed Bill relative to a parcel of land in the city of Lowell (see Senate, No. 2726) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted (land
taking), yea
and nay
No. 527.

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

[See Yea and Nay No. 527 in Supplement.]

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

David
Catanzaro,
sick leave.

Emergency Measures.

The engrossed Bill establishing a sick leave bank for David Catanzaro, an employee of the Trial Court (see House, No. 4771, 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.

Bill
enacted.

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.

Somerville,
easements.

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

The engrossed Bill authorizing the Commissioner of Capital Asset Management and Maintenance to grant easements in the city of Somerville (see House, No. 4781), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 21 to 0. Sent to the Senate for concurrence.

Bill enacted (Land
taking), yeas
and nays
No. 528.

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 (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 157 members voted in the affirmative and 0 in the negative.

[See Yeas and Nays No. 528 in Supplement.]

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

Bill
re-enacted.

Engrossed Bills.

The engrossed Bill relative to rates for human and social service programs (see Senate, No. 2764, amended) (which originated in the Senate) (which had been returned by His Excellency the Governor with recommendation of amendments), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Bills
enacted.

Engrossed bills
Relative to District Court clerks (see Senate, No. 1004);
Relative to the Joint Labor-Management Committee (see Senate, No. 1095);
Relative to the use of a certain building in the town of Whitman (see Senate, No. 2474);

Authorizing the sale of alcoholic beverages on golf courses (see Senate, No. 2769);

(Which severally originated in the Senate);

Conveying land from the town of Plainfield to the Plainfield Congregational Church (see House, No. 4474); and

Relative to the post retirement liability fund in the town of Needham (see House, No. 4826);

(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.

House
roll call
system.

Report of the Special Committee on Roll Call Security.

The Speaker being in the Chair,— the report of the special committee (established under House order No. 4719 of 2008 and time for reporting extended by House order No. 4997 of 2008) to make recommendations for the installation of a secure roll call system for the House of Representatives (House, No. 5034), was referred, on motion of Mr. Scaccia of Boston, to the committee on Rules, with instructions to draft recommendations for changes in House Rules necessary to implement the provisions of the report in order to assist the next General Court.

Recess.

Recess.

At five minutes after twelve o'clock midnight (Thursday, July 31), there being no objection, on motion of Mr. Jones of North Reading (the Speaker being in the Chair), the House recessed until eleven o'clock A.M.; and at that time, the House was called to order with Mr. Bosley of North Adams in the Chair.

Pledge of
allegiance.

Thursday, July 31, 2008 (at 11:00 o'clock A.M.).

At the request of the Chair (Mr. Bosley), 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:

Resolutions (filed by Mr. D'Amico of Seekonk) congratulating Andrew N. Clegg on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. D'Amico of Seekonk) congratulating Samuel R. Holt on receiving the Eagle Award of the Boy Scouts of America; and

Resolutions (filed by Mr. D'Amico of Seekonk) congratulating Philip L. Johnson on receiving the Eagle Award of the Boy Scouts of America;

Mr. Scaccia of Boston, 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. D'Amico,

Andrew N.
Clegg.

Samuel R.
Holt.

Philip L.
Johnson.

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

West
Boylston,
hiring
practices.

Papers from the Senate.

The House Bill relative to administrative oversight of the hiring process in the town of West Boylston (House, No. 4099) 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 2670.

Under suspension of Rule 35, on motion of Mr. O'Day of West Boylston, 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.

Walpole,
Economic
Development.

A Bill establishing the Walpole Economic Development and Industrial Corporation (Senate, No. 2786) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Subsequently Mr. DeLeo of Winthrop, for said committee, reported recommending that the bill ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Teachers,
creditable
service.
Notaries
public.

Bills

Relative to creditable service for teachers (Senate, No. 1541) (on a petition);

Further regulating notaries public (Senate, No. 2652, amended in section 5 (as printed), in lines 299 to 302 (as changed by the Senate committee on Bills in the Third Reading), inclusive, by striking out the sentence in those lines; in line 308, by inserting the following sentence; "If the attorney general or the state secretary has cause to believe that, as a result of official misconduct, a person holding the office of notary public is unsuitable to hold that office, the attorney general or the state secretary shall provide notice to the governor of such official misconduct."; and in section 6 (as changed by the Senate committee on Bills in the Third Reading), by striking out the figures "2008" and inserting place thereof the figures "2009".) (on Senate, No. 1033);

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

A petition of Edward M. Augustus, Jr., George N. Peterson, Jr., and Michael Goodwin for legislation to designate a portion of Route 140 as the Donald R. "Doug" Keniston Roadway, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Transportation.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2861) was referred, in concurrence, to the committee on Transportation.

Principal s
contracts.

Reports of Committees.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill further regulating employment contracts for school principals (Senate, No. 273, amended) ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5023. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Under suspension of the rules, on motion of Mrs. Haddad of Somerset, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the bill, as amended, was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Golden of Lowell, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, in concurrence. The bill (Senate, No. 273, amended) then was sent to the Senate for concurrence in the amendment.

Firearms,
confiscation.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill prohibiting the confiscation of lawfully owned firearms during a state of emergency (Senate, No. 1401) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

Subsequently, under suspension of the rules, on motion of Mr. Golden of Lowell, the bill was read a third time.

The committee on Bills in the Third Reading reported asking to be discharged from further consideration of the bill; and the report was accepted.

The bill (Senate, No. 1401) then was passed to be engrossed, in concurrence.

Heating oil
spills,
homeowners.

Mr. Donato of Medford being in the Chair,— by Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill to facilitate homeowner heating oil spill remediation (Senate, No. 2404) ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5040. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Under suspension of Rule 7A, on motion of Mr. Bosley of North Adams, the bill was read a second time forthwith.

Enhanced
911.

The amendment recommended by the committee on Ways and Means then was adopted; and the bill (Senate, No. 2404, amended) was ordered to a third reading.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, on Senate, No. 2808, reported, in part, a Bill to create a state 911 department, single 911 surcharge and enhanced 911 fund (House, No. 5044). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Under suspension of the rules, on motion of Mr. Jones of North Reading, 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. Costello of Newburyport, the bill was read a third time.

The committee on Bills in the Third Reading reported asking to be discharged from further consideration of the bill; and the report was accepted.

Pending the question on passing the bill to be engrossed, Messrs. DiMasi of Boston and Costello moved to amend it by substitution of a bill with the same title (House, No. 5051), which was read.

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

Flags,
state
purchases.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relative to the purchase of flags (House, No. 4273) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 5026). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Under suspension of Rule 7A, on motion of Mrs. Haddad of Somers, 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. 5026) was ordered to a third reading.

Charles River,
water quality.Rental and
replacement
vehicles.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill establishing a Charles River water quality commission (House, No. 897) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 5041).

By the same member, for the same committee, that the Bill relative to rental vehicle and replacement vehicle transactions and services (House, No. 934) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 5037).

Particulates,
health effects.

By the same member, for the same committee, that the Bill relative to reporting on health effects of particulate matter (House, No. 2227) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 5042).

Public works,
mutual aid.

By the same member, for the same committee, that the Bill facilitating the formation of statewide mutual aid agreements for public works agencies (House, No. 3180) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 5052).

Pension
governance
reform.

By the same member, for the same committee, that the re-committed Bill relative to pension governance reform (House, No. 4011) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 5048) and an amendment previously recommended by the committee on Ways and Means (House, No. 4801) also pending.

Productive
workers,
compensation
audits.

By the same member, for the same committee, that the Bill to provide incentives for productive workers compensation audits (House, No. 4573) ought to pass with an amendment by substitution of a bill with the same title (House, No. 5027).

Day care
centers,
licensing.

By the same member, for the same committee, that the Bill relative to the licensure of day care centers (House, No. 4604) ought to pass with an amendment by substitution of a bill with the same title (House, No. 5028).

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendments pending.

Justices of
the peace.

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

Barnstable
Probate Court.

Further regulating fees for justices of the peace (Senate, No. 801, amended);

Food allergies.
Alice Eldridge.

Relative to the Barnstable County Probate Court (Senate, No. 989, amended);

Recreation
vehicles.
Homeowners
insurance.

Relative to food allergy awareness in restaurants (Senate, No. 2701);
Establishing a sick leave bank for Alice Eldridge, an employee of the Department of Revenue (Senate, No. 2745, amended);

Relative to the regulation of snow and recreation vehicles (Senate, No. 2772);

Affordable
housing.
Worker's
compensation.
Low-speed
vehicles.

Relative to homeowners insurance (Senate, No. 2778, amended);
Further regulating publicly assisted affordable housing for certain low income residents (Senate, No. 2799, amended);

Relative to worker's compensation (House, No. 4170); and
Relative to the operation of low-speed motor vehicles (House, No. 4377);

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

Engrossed Bills.

Bills
enacted.

Engrossed bills

Relative to age requirements for certain students (see Senate, No. 286); and

Establishing a special reserve fund in the town of Sunderland (see Senate, No. 2686);

(Which severally originated in the Senate);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Recess.

Recess.

At twenty-four minutes before twelve o'clock noon (Thursday, July 31), on motion of Mr. Flynn of Bridgewater (Mr. Donato of Medford being in the Chair), the House recessed until a quarter after twelve o'clock; and at half past twelve o'clock the House was called to order with Mr. Donato in the Chair.

Russell/
Montgomery,
land
conveyance.

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to grant a certain easement over lands held for conservation and recreation purposes (see Senate, No. 2511, amended) (which originated in the Senate), in respect to which the Senate had concurred in adoption of the emergency preamble, was put upon its final passage.

Bill enacted (land
taking), yea
and nay
No. 529.

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. Petrolati of Ludlow being in the Chair) 151 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 529 in Supplement.]

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

General
Appropriation
Bill.

Reports of Committees.

Mr. DeLeo of Winthrop, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 4956), returning with his disapproval of certain items and sections and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2009 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. 4900), reported, in part, in each instance, that certain items (contained in section 2) stand (as passed by the General Court). Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported, in each instance, that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, in each instance, on motion of Mr. DeLeo, the following items were considered; and the sense of the House, in each instance, was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution, as follows:

Item 7061-0222 (contained in section 2), which had been vetoed by the Governor, then was considered.

After debate the question on passing said item, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 131 members voted in the affirmative and 18 in the negative.

[See Yea and Nay No. 530 in Supplement.]

Low class
size grants
item 7061-0222
stands,
yea and nay
No. 530.

Therefore item 7061-0222 (contained in section 2) was passed, notwithstanding the objections 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 7061-9610 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had reduced said item from \$550,000 to \$475,000.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 134 members voted in the affirmative and 18 in the negative.

[See Yea and Nay No. 531 in Supplement.]

Therefore item 7061-9610 (contained in section 2) was passed, notwithstanding the reduction 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 0321-2100 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had reduced said item from \$985,824 to \$849,000.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 135 members voted in the affirmative and 18 in the negative.

[See Yea and Nay No. 532 in Supplement.]

Therefore item 0321-2100 (contained in section 2) was passed, notwithstanding the reduction 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 0321-2205 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had reduced said item from \$2,229,671 to \$2,129,671.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 136 members voted in the affirmative and 17 in the negative.

[See Yea and Nay No. 533 in Supplement.]

Therefore item 0321-2205 (contained in section 2) was passed, notwithstanding the reduction 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 1599-2009 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had reduced said item from \$2,420,000 to \$1,200,000.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 129 members voted in the affirmative and 24 in the negative.

[See Yea and Nay No. 534 in Supplement.]

Citizen schools
item 7061-9610
stands,
yea and nay
No. 531.

Correctional legal
services com-
mittee
item 0321-2100
stands,
yea and nay
No. 532.

Suffolk County
social law
library
item 0321-2205
stands,
yea and nay
No. 533.

Half hospital
reserve item
1599-2009
stands,
yea and nay
No. 534.

Therefore item 1599-2009 (contained in section 2) was passed, notwithstanding the reduction 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 0330-3337 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had reduced said item from \$21,223,059 to \$18,454,205.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 137 members voted in the affirmative and 17 in the negative.

[See Yeas and Nays No. 535 in Supplement.]

Therefore item 0330-3337 (contained in section 2) was passed, notwithstanding the reduction 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 1231-1000 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had reduced said item from \$20,000,000 to \$20,000,000.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 139 members voted in the affirmative and 15 in the negative.

[See Yeas and Nays No. 536 in Supplement.]

Therefore item 1231-1000 (contained in section 2) was passed, notwithstanding the reduction 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 2300-0100 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had reduced said item from \$783,897 to \$747,559.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 137 members voted in the affirmative and 17 in the negative.

[See Yeas and Nays No. 537 in Supplement.]

Therefore item 2300-0100 (contained in section 2) was passed, notwithstanding the reduction 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 8000-0000 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had stricken certain wording and reduced said item from \$3,124,281 to \$2,954,281.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 133 members voted in the affirmative and 21 in the negative.

[See Yeas and Nays No. 538 in Supplement.]

Therefore item 8000-0000 (contained in section 2) was passed, notwithstanding the reduction 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 2000-0100 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had stricken certain wording and reduced said item from \$7,773,765 to \$7,303,765.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 138 members voted in the affirmative and 16 in the negative.

[See Yeas and Nays No. 539 in Supplement.]

Therefore item 2000-0100 (contained in section 2) was passed, notwithstanding the reduction 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 2030-1000 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had reduced said item from \$11,570,989 to \$11,463,655.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 141 members voted in the affirmative and 14 in the negative.

[See Yeas and Nays No. 540 in Supplement.]

Therefore item 2030-1000 (contained in section 2) was passed, notwithstanding the reduction 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 2200-0100 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had reduced said item from \$36,272,524 to \$36,272,524.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 139 members voted in the affirmative and 16 in the negative.

[See Yeas and Nays No. 541 in Supplement.]

Therefore item 2200-0100 (contained in section 2) was passed, notwithstanding the reduction 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 2260-8870 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had stricken certain wording and reduced said item from \$16,662,923 to \$16,572,923.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 136 members voted in the affirmative and 19 in the negative.

[See Yeas and Nays No. 542 in Supplement.]

Trial Court
administration
item 0330-3337
stands,
yea and nay
No. 535.

DOR
sewer rate
relief fund
item 1231-1000
stands,
yea and nay
No. 536.

Fisheries and
wildlife item
2300-0100
stands,
yea and nay
No. 537.

Public safety
item 8000-0000
stands,
yea and nay
No. 538.

Energy and
environmental
affairs
item 2000-0100
stands,
yea and nay
No. 539.

Environmental
law enforcement
item 2030-1000
stands,
yea and nay
No. 540.

Environmental
protection
operations
item 2200-0100
stands,
yea and nay
No. 541.

Hazardous
waste cleanup
item 2260-8870
stands,
yea and nay
No. 542.

Therefore item 2260-8870 (contained in section 2) was passed, notwithstanding the reduction 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 7004-0099 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had stricken certain wording and reduced said item from \$12,244,245 to \$10,429,245.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 143 members voted in the affirmative and 13 in the negative.

[See Yeas and Nays No. 543 in Supplement.]

Therefore item 7004-0099 (contained in section 2) was passed, notwithstanding the reduction 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 2800-0100 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had stricken certain wording and reduced said item from \$7,289,872 to \$6,979,872.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 136 members voted in the affirmative and 19 in the negative.

[See Yeas and Nays No. 544 in Supplement.]

Therefore item 2800-0100 (contained in section 2) was passed, notwithstanding the reduction 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 2800-0101 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had stricken certain wording and reduced said item from \$2,060,310 to \$1,580,310.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 139 members voted in the affirmative and 18 in the negative.

[See Yeas and Nays No. 545 in Supplement.]

Therefore item 2800-0101 (contained in section 2) was passed, notwithstanding the reduction 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 2800-0401 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had stricken certain wording and reduced said item from \$1,094,643 to \$944,643.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required

by the Constitution; and on the roll call 139 members voted in the affirmative and 18 in the negative.

[See Yeas and Nays No. 546 in Supplement.]

Therefore item 2800-0401 (contained in section 2) was passed, notwithstanding the reduction 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 7007-0500 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had stricken certain wording and reduced said item from \$760,000 to \$700,000.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 138 members voted in the affirmative and 19 in the negative.

[See Yeas and Nays No. 547 in Supplement.]

Therefore item 7007-0500 (contained in section 2) was passed, notwithstanding the reduction 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 7007-0900 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had stricken certain wording and reduced said item from \$37,087,309 to \$26,383,309.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 143 members voted in the affirmative and 13 in the negative.

[See Yeas and Nays No. 548 in Supplement.]

Therefore item 7007-0900 (contained in section 2) was passed, notwithstanding the reduction 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 0340-0100 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had stricken certain wording and reduced said item from \$16,593,097 to \$16,478,097.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 138 members voted in the affirmative and 19 in the negative.

[See Yeas and Nays No. 549 in Supplement.]

Therefore item 0340-0100 (contained in section 2) was passed, notwithstanding the reduction 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 0340-0300 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had reduced said item from \$8,751,724 to \$8,708,824.

Housing and
community
development
item 7004-0099
stands,
yea and nay
No. 543.

Conservation
and recreation
item 2800-0100
stands,
yea and nay
No. 544.

Watershed
management
program
item 2800-0101
stands,
yea and nay
No. 545.

Stormwater man-
agement pro-
gram
item 2800-0401
stands,
yea and nay
No. 546.

Biotech
research
institute
item 7007-0500
stands,
yea and nay
No. 547.

Travel and
tourism
item 7007-0900
stands,
yea and nay
No. 548.

Suffolk
district attorney
item 0340-0100
stands,
yea and nay
No. 549.

Eastern
district attorney
item 0340-0300
stands,
yea and nay

No. 550.

After debate the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 136 members voted in the affirmative and 21 in the negative.

[See Yea and Nay No. 550 in Supplement.]

Therefore item 0340-0300 (contained in section 2) was passed, notwithstanding the reduction 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.

Weymouth,
water supply
land.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill authorizing the town of Weymouth to transfer certain water supply land (Senate, No. 2734) 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 forthwith; and it was ordered to a third reading.

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

Explosive
materials,
transport.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill relative to responsibility for damages resulting from the transportation of explosive and inflammable materials (Senate, No. 2837) be scheduled for consideration by the House.

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

Westport,
land
conveyance.

Papers from the Senate.

The House Bill authorizing and directing the Commissioner of Capital Asset Management and Maintenance to convey certain land in the town of Westport (House, No. 4949) came from the Senate passed to be engrossed, in concurrence, with the following amendments:

In section 1, striking out the following: "located in the town of Westport and shown as Lot B on the town of Westport assessor's 9 map 76A" and inserting in place thereof the following: "located in the town of Westport and shown as Lot B on a survey plan entitled 'plan of land prepared for Edward P. Haley of Westport, MA', which is a portion of lot 121 on Town of Westport Assessor's Map 176A, containing 1174.4 square feet or 0.03 acres", and in said section inserting after the words "asset management and maintenance" the words "; in consultation with the department of conservation and recreation,"; and by adding at the end of section 4 the following two sentences: "Edward Peter Haley shall provide and maintain permanent survey markers that identify the boundary of the conveyance. All costs and expenses relating to said survey markers shall be the sole responsibility of Edward Peter Haley."

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

Charlestown,
port area.

The House Bill relative to Charlestown's designated port area (House, No. 4992) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place the following:

"Notwithstanding any general or special law, rule or regulation to the contrary, a certain parcel of land, located on the northerly side of Medford street in the Charlestown section of the city of Boston shall not be included within the boundaries of any designated port area. This parcel, located on 465 Medford street in the Charlestown section of the city of Boston, is registered under certificate of title number 111502 in the suffolk county registry of deeds, and is comprised of 3 parcels described in the certificate and shown on plans 3503-A, and 9147-A, filed with the Suffolk registry district of the land court."

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

Great
Barrington,
land.

The House Bill authorizing the Commissioner of Capital Asset Management and Maintenance to lease certain property in the town of Great Barrington (House, No. 5010) came from the Senate passed to be engrossed, in concurrence, with the following amendments:

In section 1, in line 17, inserting after the word "management" the words "; in consultation with the commissioner of conservation and recreation"; in section 4, in line 7, inserting after the word "maintenance" the words "; in consultation with the commissioner of conservation and recreation"; and adding at the end thereof the following section:

"SECTION 5. The lessee shall pay the commonwealth the full and fair market value of the property as described in section 1, or its value in use as proposed, whichever is greater, as determined by an independent appraisal."

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

Supplemental
appropriations.

Reconsideration.

Mr. DeLeo of Winthrop moved that the vote be reconsidered by which the House, at the previous session, concurred with the Senate in its amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2857) with a further amendment (inserting sections 21A to 21D, inclusive) to the House Bill making appropriations for the

Supplemental
appropriations.

fiscal year 2008 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 5022); and the motion to reconsider prevailed.

Pending the recurring question on concurring with the Senate in its amendment, as amended, the same member moved to further amend the Senate amendment by striking out sections 61A and 65B (as printed).

The further amendments were adopted.

The House then concurred with the Senate in its amendment, as amended. Sent to the Senate for concurrence in the further amendments.

Group
marketing
plans.

Emergency Measure.

The engrossed Bill relative to group marketing plans (see House, No. 4948), 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.

Bill
enacted.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 30 to 0. Sent to the Senate for concurrence.

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
re-enacted.

Engrossed Bills.

The engrossed Bill relative to the articles and by-laws of cooperative housing corporations (see House, No. 1224, amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

The engrossed Bill authorizing the State Secretary to place the office of selectman on the state election ballot in the town of Topsfield (see House bill printed in House, No. 4884) (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.

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The engrossed Bill relative to administrative oversight of the hiring process in the town of West Boylston (see House, No. 4099, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bridge
improvement
program.

Engrossed Bill — State Loan.

The engrossed Bill financing an accelerated structurally-deficient bridge improvement program (see House, No. 4972, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted
(state loan),
yea and nay
No. 551.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a “loan” bill as defined by Section 3 of Article LXII of the Amendments to the Constitution); and on the roll call 157 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 551 in Supplement.]

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

Rutland
Heights
Hospital.

Matters Discharged from the Orders of the Day.

The Senate Bill relative to Rutland Heights State Hospital (Senate, No. 2353, 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. Evangelidis of Holden; and it was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment previously adopted by the House.

Holden,
easement.

The Senate Bill authorizing the Division of Capital Asset Management and Maintenance to grant an easement in certain land in the town of Holden (Senate, No. 2794, 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. Evangelidis of Holden; and it was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment previously adopted by the House.

John Adams
Courthouse.

The Senate Bill relative to safety at the John Adams Courthouse (Senate, No. 2777), 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. O’Flaherty of Chelsea; and it was passed to be engrossed, in concurrence.

Tewksbury,
land lease.

The House Bill authorizing the town of Tewksbury to enter into a lease with the Division of Capital Asset Management (House, No. 4943), 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. Miceli of Wilmington; and it was passed to be engrossed. Sent to the Senate for concurrence.

General
Appropriation
Bill.
General
Appropriation
Bill.

Reports of Committees.

Mr. DeLeo of Winthrop, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see

House, No. 4956), returning with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2009 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. 4900), reported, in part, in each instance, that certain items (contained in section 2) stand (as passed by the General Court). Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported, in each instance, that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, in each instance, on motion of Mr. DeLeo, the following items were considered; and the sense of the House, in each instance, was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution, as follows:

Item 0340-0400 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had reduced said item from \$9,250,428 to \$9,205,303.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 138 members voted in the affirmative and 20 in the negative.

[See Yeas and Nays No. 552 in Supplement.]

Therefore item 0340-0400 (contained in section 2) was passed, notwithstanding the reduction 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 0340-0500 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had reduced said item from \$8,328,979 to \$8,288,151.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 138 members voted in the affirmative and 20 in the negative.

[See Yeas and Nays No. 553 in Supplement.]

Therefore item 0340-0500 (contained in section 2) was passed, notwithstanding the reduction 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 0340-0600 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had reduced said item from \$5,185,922 to \$5,160,501.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 136 members voted in the affirmative and 21 in the negative.

[See Yeas and Nays No. 554 in Supplement.]

Therefore item 0340-0600 (contained in section 2) was passed, notwithstanding the reduction 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 0340-0700 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had stricken certain wording and reduced said item from \$8,529,225 to \$8,487,415

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 141 members voted in the affirmative and 17 in the negative.

[See Yeas and Nays No. 555 in Supplement.]

Therefore item 0340-0700 (contained in section 2) was passed, notwithstanding the reduction 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 0340-0800 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had reduced said item from \$7,399,913 to \$7,299,913.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 140 members voted in the affirmative and 16 in the negative.

[See Yeas and Nays No. 556 in Supplement.]

Therefore item 0340-0800 (contained in section 2) was passed, notwithstanding the reduction 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 0340-0900 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor reduced said item from \$7,701,237 to \$7,536,237.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 140 members voted in the affirmative and 17 in the negative.

[See Yeas and Nays No. 557 in Supplement.]

Therefore item 0340-0900 (contained in section 2) was passed, notwithstanding the reduction 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 0340-1000 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor reduced said item from \$3,763,148 to \$3,744,701.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 140 members voted in the affirmative and 18 in the negative.

[See Yeas and Nays No. 558 in Supplement.]

Worcester
district attorney
item 0340-0400
stands,
yea and nay
No. 552.

Hampden
district attorney
item 0340-0500
stands,
yea and nay
No. 553.

Hampshire
Franklin
district attorney
item 0340-0600
stands,
yea and nay
No. 554.

Norfolk
district attorney
item 0340-0700
stands,
yea and nay
No. 555.

Plymouth
district attorney
item 0340-0800
stands,
yea and nay
No. 556.

Bristol
district attorney
item 0340-0900
stands,
yea and nay
No. 557.

Cape and Island
district attorney
item 0340-1000
stands,
yea and nay
No. 558.

Therefore item 0340-1000 (contained in section 2) was passed, notwithstanding the reduction 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 0340-1100 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had reduced said item from \$3,665,579 to \$3,647,611.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 135 members voted in the affirmative and 22 in the negative.

[See Ye and Nay No. 559 in Supplement.]

Therefore item 0340-1100 (contained in section 2) was passed, notwithstanding the reduction 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.

Paper from the Senate.

A Bill extending simulcasting of horse and greyhound racing (Senate, No. 2721) (on Senate, No. 217) [Senator Pacheco of the Senate committee on Ways and Means dissenting], passed to be engrossed by the Senate, was read.

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

Subsequently an Order filed by Mr. Scaccia of Boston, for the committee on Rules, under the provisions of House Rules 7B and 7C, relative to special procedures for consideration of this bill (House, No. 5046) was adopted.

Under suspension of the rules, on motion of the same member, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

Pending the question on passing the bill to be engrossed, in concurrence, Mr. Flynn of Bridgewater moved to amend it by striking out section 1 and inserting in place thereof the following section:

“SECTION 1. The first paragraph of subsection 2(b) of section 2 of chapter 128C of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in lines 45 through 46, inclusive, the words, ‘4 interstate running horse simulcasts prior to 4:00 p.m.’, and inserting in place thereof the words:—unlimited interstate running horse simulcasts.”.

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. Fagan of Taunton; and on the roll call 46 members voted in the affirmative and 111 in the negative.

[See Ye and Nay No. 560 in Supplement.]

Therefore the amendment was rejected.

The bill (Senate, No. 2721) then was passed to be engrossed, in concurrence.

Berkshire
district attorney
item 0340-1100
stands,
yea and nay
No. 559.

Simulcasting.

Procedural
order
adopted.

Amendment
rejected,
yea and nay
No. 560.

General
Appropriation

Reports of Committees.

BILL

Mr. DeLeo of Winthrop, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 4956), returning with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2009 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. 4900), reported, in part, in each instance, that certain items (contained in section 2) stand (as passed by the General Court). Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported, in each instance, that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, in each instance, on motion of Mr. DeLeo, the following items were considered; and the sense of the House, in each instance, was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution, as follows:

Item 8910-0102 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had reduced said item from \$73,973,122 to \$73,700,252.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 137 members voted in the affirmative and 19 in the negative.

[See Ye and Nay No. 561 in Supplement.]

Therefore item 8910-0102 (contained in section 2) was passed, notwithstanding the reduction 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 8910-0105 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had reduced said item from \$45,738,415 to \$45,514,240.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 142 members voted in the affirmative and 15 in the negative.

[See Ye and Nay No. 562 in Supplement.]

Therefore item 8910-0105 (contained in section 2) was passed, notwithstanding the reduction of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7003-0702 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had stricken certain wording and reduced said item from \$11,038,500 to \$7,982,000.

Hampden
sheriff
item 8910-0102
stands,
yea and nay
No. 561.

Worcester
sheriff
item 8910-0105
stands,
yea and nay
No. 562.

Individual training
grants item 7003-
0702 stands,
yea and nay

No. 563.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 142 members voted in the affirmative and 14 in the negative.

[See Ye and Nay No. 563 in Supplement.]

Therefore item 7003-0702 (contained in section 2) was passed, notwithstanding the reduction 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), which had been reduced by the Governor, was considered.

The Governor had reduced said item from \$67,816,384 to \$66,990,636.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 140 members voted in the affirmative and 17 in the negative.

[See Ye and Nay No. 564 in Supplement.]

Therefore item 8910-0107 (contained in section 2) was passed, notwithstanding the reduction 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), which had been reduced by the Governor, was considered.

The Governor had stricken certain wording and reduced said item from \$9,898,238 to \$9,262,717.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 138 members voted in the affirmative and 19 in the negative.

[See Ye and Nay No. 565 in Supplement.]

Therefore item 8910-0108 (contained in section 2) was passed, notwithstanding the reduction 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), which had been reduced by the Governor, was considered.

The Governor had reduced said item from \$13,240,012 to \$13,080,577.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 138 members voted in the affirmative and 19 in the negative.

[See Ye and Nay No. 566 in Supplement.]

Therefore item 8910-0110 (contained in section 2) was passed, notwithstanding the reduction 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), which had been reduced by the Governor, was considered.

Middlesex
sheriff item 8910-
0107 stands,
yea and nay
No. 564.

Franklin
sheriff
item 8910-0108
stands,
yea and nay
No. 565.

Hampshire
sheriff
item 8910-0110
stands,
yea and nay
No. 566.

Berkshire
sheriff
item 8910-0145

The Governor had reduced said item from \$16,259,327 to \$16,179,625.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 136 members voted in the affirmative and 20 in the negative.

[See Ye and Nay No. 567 in Supplement.]

Therefore item 8910-0145 (contained in section 2) was passed, notwithstanding the reduction 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 8910-0619 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had reduced said item from \$50,324,103 to \$50,259,970.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 139 members voted in the affirmative and 18 in the negative.

[See Ye and Nay No. 568 in Supplement.]

Therefore item 8910-0619 (contained in section 2) was passed, notwithstanding the reduction 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 4000-0112 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had stricken certain wording and reduced said item from \$5,845,000 to \$3,625,000.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 145 members voted in the affirmative and 12 in the negative.

[See Ye and Nay No. 569 in Supplement.]

Therefore item 4000-0112 (contained in section 2) was passed, notwithstanding the reduction 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 2810-0100 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had stricken certain wording and reduced said item from \$26,091,714 to \$24,896,714.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 141 members voted in the affirmative and 17 in the negative.

[See Ye and Nay No. 570 in Supplement.]

Therefore item 2810-0100 (contained in section 2) was passed, notwithstanding the reduction 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. 567.

Essex
sheriff
item 8910-0619
stands,
yea and nay
No. 568.

Youth
development
grants
item 4000-0112
stands,
yea and nay
No. 569.

State parks
and recreation
item 2810-0100
stands,
yea and nay
No. 570.

Urban parks and recreation item 2820-0100 stands, yea and nay No. 571.

Item 2820-0100 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had stricken certain wording and reduced said item from \$29,701,754 to \$29,401,754.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 139 members voted in the affirmative and 19 in the negative.

[See Yea and Nay No. 571 in Supplement.]

Therefore item 2820-0100 (contained in section 2) was passed, notwithstanding the reduction 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.

Zoological Corporation item 7007-0951 stands, yea and nay No. 572.

Item 7007-0951 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had stricken certain wording and reduced said item from \$7,150,000 to \$6,850,000.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 137 members voted in the affirmative and 19 in the negative.

[See Yea and Nay No. 572 in Supplement.]

Therefore item 7007-0951 (contained in section 2) was passed, notwithstanding the reduction 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.

Quality health care.

Papers from the Senate.

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the House amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4974) of the Senate Bill to promote cost containment, transparency and efficiency in the delivery of quality health care (Senate, No. 2660),— recommending a bill with the same title (Senate, No. 2863),— came from the Senate with the endorsement that it had been accepted by said branch.

Under suspension of Rule 42, on motion of Mr. Flynn of Bridgewater, the report was considered forthwith.

After debate the report was accepted, in concurrence.

The House Bill providing for capital facility repairs and improvements for the Commonwealth (House, No. 5016) 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 of Senate document numbered 2859.

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. Repre-

Committee of conference.

Committee of

sentatives Wagner, Flynn of Bridgewater and Poirier of North Attleborough were appointed as the committee on the part of the House. Sent to the Senate to be joined.

conference.

Subsequently the bill came from the Senate with the endorsement that said branch had insisted on its amendment, concurred in the appointment of a committee of conference on the disagreeing votes of the two branches; and that Senators Panagiotakos, Chandler and Tisei had been joined as the committee on the part of the Senate.

Subsequently Mr. Wagner of Chicopee, for the committee on conference, reported a Bill providing for capital facility repairs and improvements for the Commonwealth (House, No. 5055).

Under suspension of the rules, on further motion of the same member, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Middleborough, land.

The engrossed Bill authorizing the town of Middleborough to convey town-owned conservation land in exchange for other land to be used as conservation and recreation land (see Senate, No. 1188) came from the Senate with an amendment striking out section 4 and inserting in place thereof the following section:

“SECTION 4. If the land conveyed by the town of Middleborough to Carl Tucci ceases to be used for the purposes described in section 1, the land shall revert back to the town of Middleborough for conservation purposes.”.

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

Dairy farms.

The Senate Bill relative to the preservation of dairy farms (Senate, No. 2743, amended) came from the Senate with the endorsement that said branch had concurred with the House in its amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5030) with a further amendment striking out section 13 and inserting in place thereof the following section:

“SECTION 13. Chapter 182 of the acts of 2008 is hereby amended by striking out section 89 and inserting in thereof the following section:—

Section 89. (a) Notwithstanding any general or special law to the contrary, after complying with clause (a) of section 5C of chapter 29 of the General Laws the comptroller shall dispose of the consolidated net surplus in the budgetary funds for fiscal year 2008 as follows: (1) if the consolidated net surplus is \$25,000,000 or less, the comptroller shall transfer said amount to Massachusetts Life Sciences Investment Fund established by section 6 of chapter 231 of the General Laws; or (2) if the consolidated net surplus is \$39,000,000 or greater, the comptroller shall transfer said amount as follows: (a) \$25,000,000 shall be transferred to said Massachusetts Life Sciences Investment Fund; (b) \$3,000,000 shall be transferred to the Workforce Competitiveness Trust Fund, established in section 2WWW of chapter 29; (c) \$2,000,000 shall be transferred to the

Dairy farms.

Massachusetts Science, Technology, Engineering, and Mathematics Grant Fund established in section 2MMM of chapter 29; (d) \$4,000,000 shall be transferred to the Endowment Incentive Holding Fund established in section 7; provided, however, that \$2,000,000 from said Endowment Incentive Holding Fund shall be allocated to University of Massachusetts campuses; provided further, that \$1,000,000 from said Endowment Incentive Holding Fund shall be allocated to state college campuses; and provided further, that \$1,000,000 from said Endowment Incentive Holding Fund shall be allocated to community college campuses; (e) \$5,000,000 shall be transferred to the Farm Capital Linked Fund established pursuant to section 29 of chapter 20 of the General Laws; and (f) any amount remaining after the transfers pursuant to clause (a) to (e), inclusive, shall be transferred to the Commonwealth Stabilization Fund established pursuant to section 2H of chapter 29 of the General Laws. If the amount remaining after the designations in said clause (a) of said section 5C of said chapter 29 of the General Laws is greater than \$25,000,000 but less than \$39,000,000, then after making the transfer required in clause (a), the comptroller shall proportionately reduce the transfers required in clauses (b), (c), (d) and (e); and provided further, that allocations from the Endowment Incentive Holding Fund pursuant to clause (d) shall also be proportionately reduced.

(b) All transfers specified in this section shall be made from the undesignated fund balances in the budgetary funds proportionally from the undesignated fund balances, but no such transfer shall cause a deficit in any of the funds.”

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

The Senate Bill providing for the public higher education capital improvement needs of the Commonwealth (Senate, No. 2785) came from the Senate with the endorsement that said branch had concurred with the House in its amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5024) with a further amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2860.

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

The House Bill relative to school district accountability (House, No. 4967) 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 2851, amended in section 3, in line 54, striking out the words “develop policies to”.

Under suspension of Rule 35, on motion of Mr. Golden of Lowell, 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.

Rose
Kennedy
Greenway.

The House Bill authorizing the Rose Fitzgerald Kennedy Greenway Conservancy, Inc. to operate, manage and maintain the Rose Kennedy Greenway (House, No. 5013) came from the Senate passed to be engrossed, in concurrence, with the following amendments:

In section 8, in line 17, striking out the word “solely”;

In section 10, in line 3, striking out the figures “50” and inserting in place thereof the figures “25”, and by inserting after the first sentence the following sentence: “The lease may provide for up to 3 separate 10-year extensions.”; and

Striking out sections 11 and 12 and inserting in place thereof the following five sections:

“SECTION 11. Chapter 182 of the acts of 2008 is hereby amended by striking out section 89 and inserting in place thereof the following section:—

Section 89. (a) Notwithstanding any general or special law to the contrary, after complying with clause (a) of section 5C of chapter 29 of the General Laws the comptroller shall dispose of the consolidate net surplus in the budgetary funds for fiscal year 2008 as follows: (1) if the consolidated net surplus is \$25,000,00 or less, the comptroller shall transfer said amount the the Massachusetts Life Sciences Investment Fund established by section 6 of chapter 23I of the General Laws; or (2) if the consolidate net surplus is \$41,000,000 or greater, the comptroller shall transfer said amount as follows: (a) \$25,000,000 shall be transferred to said Massachusetts Life Sciences Investment Fund; (b) \$3,000,000 shall be transferred to the Workforce Competitiveness Trust Fund, established in section 2WWW of chapter 29 of the General Laws; (c) \$2,000,000 shall be transferred to the Massachusetts Science, Technology, Engineering, and Mathematics Grant established in section 2MMM of said chapter 29, as so appearing; (d) \$4,000,000 shall be transferred to the Endowment Incentive Holding Fund established in section 7; provided, however, that \$2,000,000 from the Endowment Incentive Holding Fund shall be allocated to University of Massachusetts campuses; provided further, that \$1,000,000 from the Endowment Incentive Holding Fund shall be allocated to state college campuses; and provided further, that \$1,000,000 from said Endowment Incentive Holding Fund shall be allocated to community college campuses; (e) \$5,000,000 shall be transferred to the Farm Capital Linked Loan Fund established pursuant so section 29 of chapter 20 of the General Laws; (f) \$2,000,000 shall be transferred to the Rose Fitzgerald Kennedy Greenway Conservancy, Inc. for the purpose of operating, managing, improving and maintaining the Rose Fitzgerald Kennedy Greenway in the city of Boston; provided that upon any transfer made pursuant to the clause, the Massachusetts Turnpike Authority shall have no further obligation to pay any costs related to the operation, management, improvement or maintenance of the greenway and the other open space parcels; and (g) any amount remaining after the transfers pursuant to clause (a) to (f), inclusive,

Rose
Kennedy
Greenway.

Higher
Education,
bond.

School
districts.

shall be transferred to the Commonwealth Stabilization Fund established pursuant to section 2H of chapter 29 of the General Laws. If the amount remaining after the designations in said clause (a) of said section 5C of said chapter 29 of the General Laws is greater than \$25,000,000 but less than \$41,000,000, then after making the transfer required in clause (a) of this section, the comptroller shall proportionately reduce the transfers required in clauses (b) to (f), inclusive; and provided further, that allocations from the Endowment Incentive Holding Fund pursuant to clause (d) shall also be proportionately reduced.

(b) All transfers specified in this section shall be made from the undesignated fund balances in the budgetary funds proportionally from the undesignated fund balances, but no such transfer shall cause a deficit in any of the funds.

SECTION 12. To provide for the operation, management, improvement and maintenance of the greenway and the other open space parcels, the commonwealth shall provide financial assistance to the conservancy no later than 30 days prior to the beginning of each fiscal year in an amount equal to 50 per cent of the annual budgeted costs of operating, maintaining, improving and managing the greenway and the other open space parcels, as agreed between the conservancy, the secretary of energy and environmental affairs and the secretary of transportation and public works, for the next succeeding fiscal year, provided that the total annual amount of such financial assistance shall not exceed \$5,500,000, and shall be paid annually from interest earnings on the Central Artery and Statewide Road and Bridge Infrastructure Fund, established in section 63 of chapter 10 of the General Laws. Upon dissolution of the conservancy or termination of the lease, any funds then held by the conservancy shall be paid to the commonwealth.

SECTION 13. Section 63 of chapter 10 of the General Laws is hereby amended by striking out the seventh paragraph, as appearing in the 2006 Official Edition.

SECTION 14. Section 12 shall take effect as of July 1, 2009, and shall expire on June 30, 2012.

SECTION 15. Section 8 shall take effect on December 1, 2008.”.

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

A Bill to modify a conservation restriction in the town of North Andover (Senate, No. 2762, amended in section 1 by striking out the first paragraph and inserting in place thereof the following paragraph:

“Notwithstanding Article 42 of the North Andover Town Meeting Vote taken on May 13, 1997 for the dedication of the property known as the North Andover Town Farm to conversation and open space preservation purposes to be used for passive recreation under the management of the Conservation Commission, the town of North Andover shall be allowed to modify said designation. The Town shall modify said designation only in the areas of the property

described as ‘Area 1’ and ‘Area 2’ identified in the following paragraph. The designation of ‘Area 1’ and ‘Area 2’ shall be for active recreation purposes protected by Article 97 of the Amendments to the Constitution of the Commonwealth and shall be under the management of the Conservation Commission. All areas of Town Farm outside the metes and bounds of ‘Area 1’ and ‘Area 2’ shall remain dedicated to conservation and open space purposes to be used for passive recreation under the management of the Conservation Commission and shall remain protected under Article 97 of the Amendments to the Constitution of the Commonwealth. ‘Area 1’ and ‘Area 2’ are defined as follows:”) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read.

Under suspension of the rules, on motion of Mr. Torrissi of North Andover, 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. Golden of Lowell, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Manchester-
by- the-Sea,
land.

A Bill to authorize the transfer of land in Hamilton and Manchester-by-the-Sea (Senate, No. 2862) (on Senate bill No. 2811), passed to be engrossed by the Senate, was read.

Under suspension of Rule 33, on motion of Mr. Hill of Ipswich, the bill was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

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

Engrossed Bills.

Engrossed bills

Relative to safety at the John Adams Courthouse (see Senate, No. 2777) (which originated in the Senate); and

To limit use of eminent domain in the city of Amesbury (see House, No. 4583) (which originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Bills
enacted.

Transportation
bond.

The engrossed Bill financing improvements to the Commonwealth’s transportation system (see House, No. 5039) (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.

Transportation
bond.

Pending the question on passing the bill to be enacted, Mr. Wagner of Chicopee moved that Rule 40 be suspended; and the motion prevailed.

The same member then moved to amend the bill 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 immediately provide for an accelerated transportation development and improvement program for the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The amendment was adopted. The bill then was sent to the Senate for concurrence in the amendment.

Subsequently the Senate having concurred in the House amendment, the bill (see House, No. 5039, 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 48 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) put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a “loan” bill as defined by Section 3 of Article LXII of the Amendments to the Constitution); and on the roll call (the Speaker having been in the Chair) 158 members voted in the affirmative and 0 in the negative.

[See Ye and Nay No. 573 in Supplement.]

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

Matters Discharged from the Orders of the Day.

The House Bill to protect the Massachusetts pension fund from the risks of investment in Iran (House, No. 4270) was read a second time, under suspension of Rule 47, on motion of Mr. Cabral of New Bedford.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a Bill to protect the Massachusetts pension fund from the risk of investment in Iran (House, No. 4970),— was adopted; and the substituted bill was ordered to a third reading.

Subsequently an Order filed by Mr. Scaccia of Boston, for the committee on Rules, under the provisions of House Rules 7B and 7C, relative to special procedures for consideration of this bill (House, No. 5050) was adopted.

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

After remarks on the question on passing the bill to be engrossed, Mr. Murphy of Lowell moved to amend it by striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Definitions.

As used in this act, the following terms apply:

(a) ‘Business Ties’ are defined as owning or controlling property or assets located in, having employees or facilities located in, providing goods or services to, obtaining goods or services from, having distribution agreements with, issuance of credit or loans to, purchasing bonds or commercial paper issued by, investing in or having equity ties to or with Iran, Sudan or Syria or any company domiciled in Iran, Sudan, Syria of their affiliates thereof.

(b) ‘Company’ is any entity capable of affecting commerce, including but not limited to a government, government agency, natural person, legal person, sole proprietorship, partnership, firm, corporation, subsidiary, affiliate, franchisor, franchisee, joint venture, trade association, financial institution, utility, public franchise, provider of financial services, trust, or enterprise any association thereof.

(c) ‘Independent research provider’ means a private U.S. company that has submitted an affidavit to the PRIM Board averring that: 1) it specializes in identifying and assessing companies that are exposed to global security risk; 2) it offers creditable research on corporate ties to Iran, Sudan, and/or Syria that has been maintained and provided to the market for a minimum or two calendar years; and 3) does not have the potential for conflicts of interest stemming from investment banking and corporate finance activities.

(d) ‘Iran’ refers to the Islamic Republic of Iran.

(e) ‘North Korea’ refers to the Democratic People’s Republic of Korea.

(f) ‘Sudan’ refers to the Islamic Republic of Sudan.

(g) ‘Syria’ refers to the Syrian Arab Republic.

SECTION 2. Chapter 23 of section 32 in the 2004 Official Edition of the General Laws shall be amended by adding the following paragraph after paragraph (h):—

(i) Any asset manager that invests in international equities of public-traded foreign companies on behalf of the PRIT fund must attest semi-annually in a written statement to the PRIM Board that they do not hold on behalf of the PRIT fund the stock of any foreign company that, according to a reputable independent research provider specializing in global security risk assessment, has active business ties to Iran, North Korea, Sudan and Syria that are non-humanitarian in nature. The provisions of this paragraph shall expire with respect to each individual country, irrespective of the countries that still remain prohibited, at such time that the President of the United States affirmatively and unambiguously states by means of, but not limited to, enacted legislation, executive order or written certification from the President to Congress that the U.S. Department of State no longer recognizes Iran, North Korea, Sudan or Syria as state sponsors of terrorism.

Bill enacted
(state loan),
yea and nay
No. 573.

Iran,
pension fund
investments.

Procedural
order
adopted.

Iran,
pension fund
investments.

SECTION 3. Notwithstanding any general or special law to the contrary, the public fund shall be exempt from any conflicting statutory or common law obligations, including any such obligations in respect to choice of asset managers, investment funds, or investments for the public fund's securities portfolios with respect to actions taken in compliance with this act, including all good faith determinations regarding companies as required by this act."

Amendment rejected, yeas and nays No. 574.

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. Murphy of Lowell; and on the roll call 56 members voted in the affirmative and 101 in the negative.

[See Yeas and Nays No. 574 in Supplement.]

Therefore the amendment was rejected.

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

Statement of Representative Fox of Boston.

MR. SPEAKER: I would like to call to the attention of the House the fact that on the previous roll call it was my intention to vote in the affirmative. However, I now find that, for some inexplicable reason, I was recorded in the negative.

Suspension of Rule 1A.

The Chair (Mrs. Harkins of Needham) then placed before the House the question on suspension of Rule 1A in order that the House might continue to meet beyond the hour of nine o'clock P.M.

Rule 1A suspended, yeas and nays No. 575.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provision of said rule; and on the roll call 132 members voted in the affirmative and 23 in the negative.

[See Yeas and Nays No. 575 in Supplement.]

Therefore Rule 1A was suspended.

Ms. Provost of Somerville then moved to amend the bill in section 8, in line 1, by striking out the words "upon passage" and inserting in place thereof the words "provided that the President of the United States declares that this act does not interfere with the conduct of the United States foreign policy". The amendment was rejected.

Bill passed to be engrossed, yeas and nays No. 576.

On the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 125 members voted in the affirmative and 27 in the negative.

[See Yeas and Nays No. 576 in Supplement.]

[Representatives Conroy of Wayland, Linsky of Natick, Peisch of Wellesley and St. Fleur of Boston answered "Present" in response to their names.]

Therefore the bill (House, No. 4970) was passed to be engrossed. Sent to the Senate for concurrence.

Higher education bond.

The engrossed Bill providing for the public higher education capital improvement needs of the Commonwealth (see Senate, No. 2785, 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 56 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 (state loan), yeas and nays No. 577.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a "loan" bill as defined by Section 3 of Article LXII of the Amendments to the Constitution); and on the roll call 153 members voted in the affirmative and 0 in the negative.

[See Yeas and Nays No. 577 in Supplement.]

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

Haverhill, Boxford land.

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the sale of certain land by the city of Haverhill in the town of Boxford (see House, No. 4890) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted (land taking), yeas and nays No. 578.

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 Yeas and Nays No. 578 in Supplement.]

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

General Appropriation Bill.

Reports of Committees.

Mr. DeLeo of Winthrop, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 4956), returning with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2009 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. 4900), reported, in part, in each instance, that certain items (contained in section 2) and section 73 stand (as passed by the General Court). Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported, in each instance, that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, in each instance, on motion of Mr. DeLeo, the following items and section 73 were considered; and the sense of the House, in each instance, was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution, as follows:

Board of Higher
Education
item 7066-0009
stands,
yea and nay
No. 579.

Item 7066-0009 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had stricken certain wording and reduced said item from \$6,512,898 to \$5,512,898.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 137 members voted in the affirmative and 21 in the negative.

[See Yea and Nay No. 579 in Supplement.]

Therefore item 7066-0009 (contained in section 2) was passed, notwithstanding the reduction 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 7077-0023 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had stricken certain wording and reduced said item from \$5,525,000 to \$5,325,000.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 138 members voted in the affirmative and 18 in the negative.

[See Yea and Nay No. 580 in Supplement.]

Therefore item 7077-0023 (contained in section 2) was passed, notwithstanding the reduction 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 4100-0600 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had stricken certain wording and reduced said item from \$17,013,039 to \$17,513,039.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 133 members voted in the affirmative and 24 in the negative.

[See Yea and Nay No. 581 in Supplement.]

Therefore item 4100-0600 (contained in section 2) was passed, notwithstanding the reduction 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 7061-9626 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had stricken certain wording and reduced said item from \$2,770,500 to \$2,520,500.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 140 members voted in the affirmative and 18 in the negative.

[See Yea and Nay No. 582 in Supplement.]

Therefore item 7061-9626 (contained in section 2) was passed, notwithstanding the reduction 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.

Veterinary
program
item 7077-0023
stands,
yea and nay
No. 580.

Health care
finance
item 4100-0600
stands,
yea and nay
No. 581.

Youth build
program
item 7061-9626
stands,
yea and nay
No. 582.

Bullying
prevention

Item 7061-9805 (contained in section 2), which had been vetoed by the Governor then was considered.

The question on passing said item, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 141 members voted in the affirmative and 17 in the negative.

[See Yea and Nay No. 583 in Supplement.]

Therefore item 7061-9805 (contained in section 2) was passed, notwithstanding the objections 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 7066-0000 (contained in section 2), which had been reduced by the Governor, was considered.

The Governor had stricken certain wording and reduced said item from \$6,512,898 to \$5,512,898.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 137 members voted in the affirmative and 21 in the negative.

[See Yea and Nay No. 584 in Supplement.]

Therefore item 7066-0000 (contained in section 2) was passed, notwithstanding the reduction 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), which had been reduced by the Governor by striking out certain wording, was considered.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 134 members voted in the affirmative and 24 in the negative.

[See Yea and Nay No. 585 in Supplement.]

Therefore item 1000-0001 (contained in section 2) was passed, notwithstanding the reduction 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.

Section 73, which had been vetoed by the Governor then was considered.

The question on passing said item, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 150 members voted in the affirmative and 8 in the negative.

[See Yea and Nay No. 586 in Supplement.]

Therefore section 73 was passed, notwithstanding the objections 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.

Reports of Committees.

By Mr. Smizik of Brookline, 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

item 7061-9805
stands,
yea and nay
No. 583.

Higher
education admin-
istration item
7066-0000
stands,
yea and nay
No. 584.

State
comptroller
item 1000-0001
stands,
yea and nay
No. 585.

Mosquito
control board
section 73
stands,
yea and nay
No. 586.

Clean
energy.

Clean
energy.

numbered 2855) of the House Bill providing for the preservation and improvement of land, parks, and clean energy in the Commonwealth (House, No. 5005), reports a bill with the same title (House, No. 5054).

Taunton, skills center.

Under suspension of the rules, on motion of the same member, the report was considered forthwith; and it was accepted. The report then was sent to the Senate for concurrence.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill authorizing the development of a regional education, training and skills center in the city of Taunton (Senate, No. 53, changed and amended) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

Children, mental health.

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

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relative to children's mental health (Senate, No. 2804, amended) ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5047.

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

Under suspension of Rule 7A, on motion of Ms. Balsler of Newton, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the bill, as amended, was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Golden of Lowell, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. The bill (Senate, No. 2804, amended) then was sent to the Senate for concurrence in the amendment.

Worcester, land

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill conveying certain property in the city of Worcester to community healthlink, Inc. (Senate, No. 2838) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

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

Motor vehicles, repair.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relating to the repair of damaged motor vehicles (House, No. 4556) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 5053). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Under suspension of Rule 7A, on motion of Ms. St. Fleur of Boston, the bill was read a second time forthwith.

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

Subsequently, under suspension of the rules, on motion of Mr. Mariano of Quincy, the bill was read a third time.

The committee on Bills in the Third Reading reported asking to be discharged from further consideration of the bill; and the report was accepted.

Pending the question on passing the bill to be engrossed, the same member moved that it be amended by substitution of a bill with the same title (House, No. 5056), which was read.

Yacht clubs, land.

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

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill authorizing the lease of land to yacht clubs (House, No. 4152) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 5049). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Under suspension of Rule 7A, on motion of Mr. Sciortino of Medford, the bill was read a second time forthwith.

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

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

Worcester County, land lease.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill authorizing the Division of Capital Asset Management and Maintenance to lease certain land in the town of Spencer to the Worcester County 4H Center (Senate, No. 30, amended) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Small
business,
tax
exemption.

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

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relative to renewal communities and smart growth zoning (Senate, No. 2370) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Convention
center and
garage.

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

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relative to the Massachusetts Convention Center Authority (Senate, No. 2793) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Special
state police
officers.

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

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill to provide for the public inspection of law enforcement records made or received by special state police officers at colleges and universities (Senate, No. 2657, amended) be scheduled for consideration by the House.

Life
insurance,
contracts.

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

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill ensuring consumer protection in life insurance contracts (Senate, No. 2818) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Golden of Lowell, the bill was read a second time forthwith.

Pending the question on ordering the bill to a third reading, Mr. Mariano of Quincy moved to amend it by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5057.

The amendment was adopted; and the bill (Senate, No. 2818, amended) was ordered to a third reading.

Acton and
Concord,
open space.

Matters Discharged from the Orders of the Day.

The Senate Bill designating certain land in the towns of Acton and Concord for conservation, agriculture, open space and recreational purposes (Senate, No. 38, amended), reported by the com-

mittee on Bills in the Third Reading to be correctly drawn, was read a third time, under suspension of the rules, on motion of Mr. Golden of Lowell; and it was passed to be engrossed, in concurrence.

Blackstone,
land.

The Senate Bill authorizing the conveyance of an easement over certain conservation and recreation lands in the town of Blackstone (Senate, No. 45), 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. Golden of Lowell; and it was passed to be engrossed, in concurrence.

North
Raynham
Water
District.

The Senate Bill relative to the North Raynham Water District (Senate, No. 2736, 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. Golden of Lowell; and it was passed to be engrossed, in concurrence.

Biomedical
research.

The House Bill relative to biomedical research (House, No. 4812), 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. Golden of Lowell; and it was passed to be engrossed. Sent to the Senate for concurrence.

Westwood,
liquor
license.

The House Bill authorizing the town of Westwood to grant a license for the sale of wines and malt beverages not to be drunk on the premises at a food store (House, No. 4832) (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. Golden of Lowell; and it was passed to be engrossed. Sent to the Senate for concurrence.

Kingston,
Route 3
ramp.

The House Bill authorizing the Department of Highways and the town of Kingston to exchange a certain parcel of land (House, No. 4913) was read a third time, under suspension of the rules, on motion of Mr. Golden of Lowell.

The committee on Bills in the Third Reading reported asking to be discharged from further consideration of the bill; and the report was accepted.

The bill then was passed to be engrossed. Sent to the Senate for concurrence.

Sherborn,
Farm
Pond.

The House Bill authorizing the conveyance of certain Commonwealth property to the town of Sherborn (House, No. 5043), 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. Golden of Lowell; and it was passed to be engrossed. Sent to the Senate for concurrence.

Westport,
land
conveyance.

Emergency Measures.

The engrossed Bill authorizing and directing the Commissioner of Capital Asset Management and Maintenance to convey certain land in the town of Westport (see House, No. 4949, amended)

Westport,
land
conveyance.

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 48 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 (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 157 members voted in the affirmative and 1 in the negative.

[See Yea and Nay No. 587 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 Commissioner of Capital Asset Management and Maintenance to lease certain property in the town of Great Barrington (see House, No. 5010, 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 41 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 (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 157 members voted in the affirmative and 1 in the negative.

[See Yea and Nay No. 588 in Supplement.]

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

Emergency Measure.

The engrossed Bill providing for a partial release of certain land in Sunderland from the operation of an agricultural preservation restriction (see House, No. 5011) 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

Bill enacted (Land taking), yea and nay No. 587.

Great Barrington, land.

Bill enacted (Land taking), yea and nay No. 588.

Sunderland, land.

to the Constitution; and the preamble was adopted, by a vote of 41 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 (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 158 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 589 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 establishing a sick leave bank for Richard K. Ward II, an employee of the Department of Correction (see House, No. 4819, 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 41 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.

The engrossed Bill relative to the Commonwealth's pension system (see House, No. 4959, 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 55 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) (which had been returned by His Excellency the Governor with recommendation of amendment) was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to grant an easement in certain land in the town Holden (see Senate, No. 2794, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted (Land taking), yea and nay No. 589.

Richard K. Ward III, sick leave.

Bill enacted.

State pension system.

Bill re-enacted.

Holden, land conveyance.

Bill enacted (Land taking), yea and nay No. 590.

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

Deerfield, land.

[See Yea and Nay No. 590 in Supplement.]

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

The engrossed Bill providing for the release of certain land in the town of Deerfield from the operation of an agricultural preservation restriction (see House, No. 4779) 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.

Bill enacted (Land taking), yea and nay No. 591.

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 16 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 (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 158 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 591 in Supplement.]

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

Bills enacted.

Engrossed Bills.

Engrossed bills

Authorizing the development of a regional education, training and skills center in the city of Taunton (see Senate, No. 53, changed and amended);

Establishing the Global Warming Solutions Act (see Senate, No. 2540, amended);

(Which severally originated in the Senate); and

Relative to Charlestown's designated port area (see House, No. 4992, amended) (which originated in the House);

Bill 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.

The engrossed Bill relative to the agreement among the states to elect the President by national popular vote (see House, No. 4952) (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 (the Speaker having been in the Chair) it was signed by the Speaker and sent to the Senate.

General Appropriation Bill.

Reports of Committees.

Mr. DeLeo of Winthrop, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 4956), returning with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2009 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. 4900), reported, in part, in each instance, that sections 18 and 90 stand (as passed by the General Court). Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported, in each instance, that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, in each instance, on motion of Mr. DeLeo, sections 18 and 90 were considered; and the sense of the House, in each instance, was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution, as follows:

Section 18, which had been vetoed by the Governor, was considered.

The question on passing said item, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 157 members voted in the affirmative and 1 in the negative.

[See Yea and Nay No. 592 in Supplement.]

Therefore Section 18 was passed, notwithstanding the objections 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.

Section 90, which had been vetoed by the Governor then was considered.

The question on passing said item, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 138 members voted in the affirmative and 20 in the negative.

[See Yea and Nay No. 593 in Supplement.]

Therefore Section 90 was passed, notwithstanding the objections 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.

Engrossed Bills — Land Takings.

The engrossed Bill authorizing the town of Tewksbury to enter into a lease with the Division of Capital Asset Management (see House, No. 4943) (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.

Title V tax credit Section 18 stands, yea and nay No. 592.

STEM transfer Section 90 stands, yea and nay No. 593.

Tewksbury, land lease.

Bill enacted (Land taking), yea and nay No. 594.

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

Blackstone,
land.

[See Yea and Nay No. 594 in Supplement.]

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

Bill enacted (land
taking), yea
and nay
No. 595.

The engrossed Bill authorizing the conveyance of an easement over certain conservation and recreation lands in the town of Blackstone (see Senate, No. 45) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 156 members voted in the affirmative and 1 in the negative.

Middlebor-
ough,
conservation
land.

[See Yea and Nay No. 595 in Supplement.]

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

Bill enacted (land
taking), yea
and nay
No. 596.

The engrossed Bill authorizing the town of Middleborough to convey town-owned conservation land in exchange for other land to be used as conservation and recreation land (see Senate, No. 1188, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

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) 157 members voted in the affirmative and 1 in the negative.

North
Raynham
Water
District.

[See Yea and Nay No. 596 in Supplement.]

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

Bill enacted (land
taking), yea
and nay
No. 597.

The engrossed Bill relative to the North Raynham Water District (see Senate, No. 2736, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

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

[See Yea and Nay No. 597 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the Speaker and sent to the Senate. Enhanced 911
fund.

Emergency Measures.

The engrossed Bill to create a state 911 department, single 911 surcharge and enhanced 911 fund (see House, No. 5051), 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 42 to 0. Sent to the Senate for concurrence.

Bill enacted,
yea and nay
No. 598.

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

[See Yea and Nay No. 598 in Supplement.]

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

The engrossed Bill making appropriations for the fiscal year 2008 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 5022, 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 44 to 0. Sent to the Senate for concurrence.

Bill enacted,
yea and nay
No. 599.

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. Peterson of Grafton; and on the roll call 139 members voted in the affirmative and 19 in the negative.

[See Yea and Nay No. 599 in Supplement.]

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

The engrossed Bill relative to green jobs in the Commonwealth (see House, No. 5018, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to

Bill
enacted.

the Constitution; and the preamble was adopted, by a vote of 52 to 0. Sent to the Senate for concurrence.

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

Manchester-
by-the-Sea,
land.

Bill enacted (land
taking), yea
and nay
No. 600.

Engrossed Bill — Land Taking.

The engrossed Bill to authorize the transfer of land in Hamilton and Manchester-by-the-Sea (see Senate, No. 2862) (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.

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

[See Yea and Nay No. 600 in Supplement.]

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

Environmental
bond.

Emergency Measure.

The engrossed Bill providing for the preservation and improvement of land, parks, and clean energy in the Commonwealth (see House, No. 5054), 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 65 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 (this being a "loan" bill as defined by Section 3 of Article LXII of the Amendments to the Constitution); and on the roll call 158 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 601 in Supplement.]

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

Weymouth,
water supply
land.

Bill enacted (land
taking), yea
and nay
No. 602.

Engrossed Bills — Land Takings.

The engrossed Bill authorizing the town of Weymouth to transfer certain water supply land (see Senate, No. 2734) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

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 pur-

poses, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 158 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 602 in Supplement.]

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

North
Andover,
conservation.

The engrossed Bill to modify a conservation restriction in the town of North Andover (see Senate, No. 2762) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

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

[See Yea and Nay No. 603 in Supplement.]

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

Bill enacted (land
taking), yea
and nay
No. 603.

Rose
Kennedy
Greenway.

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the Rose Fitzgerald Kennedy Greenway Conservancy, Inc. to operate, manage and maintain the Rose Kennedy Greenway (see House, No. 5013, 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.

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

[See Yea and Nay No. 604 in Supplement.]

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

Bill enacted (land
taking), yea
and nay
No. 604.

North
Adams,
land
conveyance.

Engrossed Bills — Land Takings.

The engrossed Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land in the city of North Adams (see House, No. 4585) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

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

[See Yea and Nay No. 605 in Supplement.]

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

Bill enacted (land
taking), yea
and nay
No. 605.

Worcester,
land

Bill enacted (land taking), yea and nay No. 606.

The engrossed Bill conveying certain property in the city of Worcester to Community Healthlink, Inc. (see Senate, No. 2838) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

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

[See Yea and Nay No. 606 in Supplement.]

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

Capital outlay program.

Emergency Measures.

The engrossed Bill providing for capital facility repairs and improvements for the Commonwealth (see House, No. 5055), 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 73 to 0. Sent to the Senate for concurrence.

Bill enacted (state loan), yea and nay No. 607.

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 (this being a "loan" bill as defined by Section 3 of Article LXII of the Amendments to the Constitution); and on the roll call (Mr. Hynes of Marshfield being in the Chair) 158 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 607 in Supplement.]

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

Quality health care.

The engrossed Bill to promote cost containment, transparency and efficiency in the delivery of quality health care (see Senate, No. 2863), 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.

Bill enacted.

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 55 to 0. Sent to the Senate for concurrence.

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

Military Reservation Fire Department.

The engrossed Bill establishing the Massachusetts Military Reservation Fire Department (see Senate, No. 2760, 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 55 to 0. Sent to the Senate for concurrence.

Next sitting.

Order.

On motion of Mr. Donato of Medford,—

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

Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at twenty-five minutes after one o'clock A.M. (Friday, August 1), there being no objection, on motion of Mr. Donato (the Speaker being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.