

## JOURNAL OF THE HOUSE.

Thursday, March 18, 2010.

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

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

Eternal God, Who is without beginning of days or end of years, forever the same, we take a moment to offer a prayer to You for guidance as we take up the items on today's legislative calendar. In Your goodness, inspire us to make legislative decisions and to select legislative options which are reasoned, responsible and ethical. We also look to You for assistance as we try to develop the gift of patience in listening to constituents and associates in addressing current difficult issues. In a creative and objective manner, may we work together in serving the best human and spiritual interests of the people and the Commonwealth. May we continue to build confidence and hope in our constituents, each other and in the future of the people. Wallace C. Mills, former House Clerk, died yesterday. Please remember him in your prayers and thoughts.

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

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. Vallee of Franklin) honoring firefighter Raymond A. Nasuti on the occasion of his retirement;

Resolutions (filed by Ms. Hogan of Stow) recognizing Sarcoma Awareness Week; and

Resolutions (filed by Ms. Hogan of Stow) honoring David Spencer;

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

### *Papers from the Senate.*

The House Bill authorizing the lease of certain agricultural land in the town of Westford (House, No. 4193) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the following:

Westford,—  
land.

“SECTION 1. Notwithstanding any general or special law to the contrary, the town of Westford, acting by and through its conservation commission, may lease a portion of the Day Agricultural and Conservation land, shown on Westford assessors’ map 26 as parcel 37, for agricultural purposes for not more than 10 years. The lease shall be subject to subsections (a), (b) and (g) of section 16 of chapter 30B of the General Laws and shall be on such terms and conditions as the conservation commission may determine. No lease agreement shall be valid unless it provides that the property shall be used solely for agricultural purpose.

SECTION 2. This act shall take effect upon its passage.”.

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

Yacht clubs,—  
land.

The House Bill authorizing the lease of land to yacht clubs (House, No. 4346) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out sections 1 and 2 and inserting in place thereof the following two sections:

“SECTION 1. Notwithstanding sections 40E to 40I inclusive, of chapter 7 of the General Laws or any other general or special law to the contrary, the commissioner of capital asset management and maintenance may, in consultation with the commissioner of conservation and recreation, lease or enter into other agreements for a term not to exceed 30 years with an organization currently operating a yacht club or other boating facility on public park land under the care and control of the department of conservation and recreation for the land and appurtenances associated therewith used by the yacht club or boating organization as shown in existing records of the department. This authorization shall only apply to the following yacht clubs and other boating organizations and facilities: the Union Boat Club in the city of Boston; the Cambridge Boat Club in the city of Cambridge; the Riverside Boat Club in the city of Cambridge; the Buckingham, Browne & Nichols Boat House in the city of Cambridge; the Massachusetts Institute of Technology Boat House in the city of Cambridge; the Belmont Hill/Winsor Boat House in the city of Cambridge; the Tufts University Boat Club in the city of Medford; the Harvard Sailing Pavilion in the city of Cambridge; the Boston University Sailing Pavilion in the city of Boston; the Massachusetts Institute of Technology Sailing Pavilion in the city of Cambridge; the Puritan Canoe Club in the city of Boston; the Neponset Valley Yacht Club in the city of Milton; the Wollaston Yacht Club in the city of Quincy; the Squantum Yacht Club in the city of Quincy; the South Shore Yacht Club in the city of Weymouth; the Charlesgate Yacht Club in the city of Cambridge; the Charles River Yacht Club in the city of Cambridge; the Newton Yacht Club in the city of Newton; the Columbia Yacht Club in the city of Boston; the South Boston Yacht Club in South Boston section of the city of Boston; the Riverside Yacht Club in the city of Medford; the Medford Boat Club in the city of Medford; the Mystic Wellington Yacht Club in the city of Medford; the Watertown Yacht Club in the city of Watertown; the East Boston Yacht Club in East Boston section of the city of Boston;

the Dorchester Yacht Club in the Dorchester section of the city of Boston; the Boston Harbor Yacht Club in the city of Boston; the Blessing of the Bay Boat House; the Winter Hill Yacht Club in the city of Somerville; and the Boston University DeWolfe Boat House in the city of Cambridge. Before entering into a lease or other agreement under this section the commissioner of capital asset management and maintenance shall, in consultation with the commissioner of the department of conservation and recreation, determine the exact boundaries of each parcel after completion of a survey. There shall be, at the discretion of the division of capital asset management and maintenance in accordance with the original contract terms and conditions or contract terms and conditions more favorable to the commonwealth, an option for extension of the lease or other agreement for 5 years.

SECTION 2. Notwithstanding sections 40E to 40I, inclusive, of chapter 7 of the General Laws or any other general or special law rule or regulation to the contrary, the leases or other agreements executed under section 1 shall be on terms and conditions and consideration acceptable to the commissioner of capital asset management and maintenance after consultation with the commissioner of conservation and recreation; provided, however, that said lease or other agreement shall provide, without limitation, that: (i) the lessees shall manage, operate, improve, repair and maintain the land and appurtenances associated therewith during the term of the lease; (ii) the lessee shall carry comprehensive general liability insurance naming the commonwealth as a co-insured, protecting the commonwealth against all claims for personal injury or property damage arising from land and appurtenances associated therewith during the term of the lease; (iii) the lessee shall provide appropriate public access to public park land; (iv) the lessee shall be responsible for outreach and stewardship; and (v) the lessee shall not design or construct any facilities on the parcel without the written approval of the commissioner of capital asset management and maintenance and the commissioner of conservation and recreation; provided, however, that the commissioner of capital asset management and maintenance and the commissioner of conservation and recreation shall not approve any design or construction project under this section unless the commissioners have determined that the lessee has sufficient financial resources to complete the project. In determining the consideration for any lease or other agreement pursuant to this section, the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, shall develop a methodology for setting a fair rental payment and with due regard to the criteria used by the department of conservation and recreation for setting existing permit fees for yacht and boating facilities identified in section 1. If a specific lessee does not agree with the rental payment methodology, then the consideration for the lease of that specific parcel shall be the full and fair market value of the parcel as determined by the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, under 1 or more independent professional appraisals contracted by the division.”.

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

Lawrence,—  
financial  
stability.

The House Bill providing for the financial stability of the city of Lawrence (House, No. 4516, amended) came from the Senate passed to be engrossed, in concurrence, with amendments in section 2, in line 20, inserting after the words "with the approval of" the words "the secretary and"; in section 4, striking out the following two paragraphs:

"(8) approve the annual or supplemental budgets of the city and the school committee; and

(9) report to the secretary monthly on the progress made towards reducing the city's capital and structural deficits." (as amended by the House) and inserting in place the following three paragraphs:

"(8) approve the annual or supplemental budgets of the city and the school committee;

(9) report monthly to the secretary and house and senate committees on ways and means on the progress made towards reducing the city's capital and structural deficits; and

(10) report quarterly to the secretary and house and senate committees on ways and means on expenditures made from the loan fund, including the amounts and purposes of expenditures for personnel costs, contracted personnel costs or consultant fees."; striking out section 6 and inserting in place thereof the following section:

"SECTION 6. The fiscal overseer shall report in writing, including the underlying reasons, to the secretary if city cannot set a tax rate for fiscal year 2011 by January 31, 2011.

The fiscal overseer shall report in writing to the secretary if the overseer concludes that the city: (i) is unable to achieve a balanced budget; (ii) faces a fiscal crisis that poses an imminent danger to the safety of the citizens of the city and their property; or (iii) will not achieve fiscal stability without the assistance of a finance control board.

If the fiscal overseer believes, at any time, that a finance control board should be appointed, the fiscal overseer may report that belief to the secretary.

If the fiscal overseer reports to the secretary under subsections (a), (b) or (c), the secretary shall immediately abolish the overseer and appoint a finance control board.

A finance control board appointed under this section shall have all of the powers and duties set forth in section 7.

At any time after July 1, 2011 and while debt issued under this act is outstanding, if a finance control board has not been appointed and if the secretary, in the secretary's sole discretion, determines that the city has taken steps necessary to achieve long-term fiscal sustainability and no longer requires active state oversight, the secretary may abolish the overseer.

If the director notifies the secretary in writing that the city is unable to achieve a balanced budget or set a tax rate at any time after the removal of the overseer and while the debt issued under this act is

still outstanding, then the secretary shall establish a finance control board under section 7.";

In section 8, in line 247, inserting after the words "upon abolition of" the words "the overseer or", in lines 259 and 260, striking out the sentence contained therein and inserting in place the following sentence: "The mayor shall appoint the officer from a list of 3 names submitted by the secretary, for a term of not more than 3 years, as provided in this subsection."; and inserting after section 10 the following two sections:

"SECTION 10A. (a) If the board established by section 6 concludes that its powers are insufficient to restore fiscal stability to the city, it shall so notify the secretary, and shall forward to the secretary a statement of the reasons why it has been unable to restore fiscal stability to the city. Upon receipt of such statement, the secretary shall recommend to the governor that the governor file legislation immediately to terminate the existence of the board, notwithstanding section 6, and the secretary shall provide the governor with the recommended legislation under subsection (b).

(b) The legislation provided by the secretary shall include but not be limited to:—

(1) the appointment of a receiver who shall have all powers of the finance control board under section 7, which shall continue in the receiver and shall remain through the period of any receivership, the recommended term for the receivership and authorization for the secretary to, at any time and without cause, remove the receiver and appoint a successor or terminate the receivership;

(2) the power to exercise any function or power of any municipal officer or employee, whether elected or otherwise, specifically including the following powers relative to building and zoning:

(i) to order the laying out, locating anew or discontinuing of streets and ways within the city;

(ii) to regulate the construction of buildings;

(iii) to implement such changes to the city's zoning ordinance as are necessary; provided, however, that the zoning ordinance continues to promote public safety, health and welfare; provided, further, that no zoning change shall affect or interfere with the integrity of existing residential districts; provided, further, that no such proposed zoning changes shall restrict structures or uses lawfully existing or lawfully begun before the effective date of the zoning change; and

(3) the power to file a petition in the name of the city under Chapter 9 of Title 11 of the United States Code, and to act on the city's behalf in any such proceeding; and

(4) the abolition of the office of mayor and provide that the receiver shall exercise all the powers of the mayor under the General Laws, special laws, the city charter and ordinances; provided, however, that other elected officials of the city shall continue to be elected in accordance with the city charter, and shall serve solely in an advisory capacity to the receiver.

The secretary shall determine the salary of the receiver, which salary shall be payable by the city.

Lawrence,—  
financial  
stability.

(c) The procedure for implementing changes in zoning ordinances as provided in section 5 of chapter 40A of the General Laws shall not govern such changes in the city during the time the receiver is in operation.

(d) The receiver shall not implement a zoning change until a public hearing has been held at which interested persons shall have an opportunity to be heard. The public hearing shall be held within 60 days after the date on which the board originally proposed the zoning change. Notice of the time and place of the public hearing, of the subject matter sufficient for identification, and of the place where texts and maps of the zoning change may be inspected shall be published in a newspaper of general circulation in the city once in each of 2 successive weeks; with the first such publication taking place no fewer than 14 days before the day of the hearing. Notice of the public hearing shall also be posted in a conspicuous place in city hall for no fewer than 14 days before the day of the hearing.

(e) Notice of a proposed zoning change under this section shall be sent to any nonresident property owner who files an annual request for such notice with the city clerk no later than January 1 for the upcoming year. The receiver shall establish a reasonable fee to cover the cost of providing these notices.

SECTION 10B. Notwithstanding chapter 150E of the General Laws or any other general or special law to the contrary, a collective bargaining agreement entered into by the city or the school department after the effective date of this act shall be subject to the approval of the overseer or finance control board if the overseer or finance control board is in effect at the time. No collective bargaining agreement shall be approved under this section unless the overseer or finance control board provides written certification to the secretary that after an evaluation of all pertinent financial information reasonably available, the city's financial resources and revenues are, and will continue to be, adequate to support such collective bargaining agreement without a detrimental impact on the continuous provision of the existing level of municipal services. A decision, by the overseer or finance control board, to disapprove of a collective bargaining agreement under this section shall be made in a report to the parties; provided, however, that the report shall specify the disapproved portions of the agreement and the supporting reasons for the disapproval."

Under suspension of the rules, on motion of Mr. Torrisi of North Andover, the amendments were considered forthwith; and they were adopted, in concurrence.

Milton,—  
skating  
rink.

A Bill authorizing the lease of the Max Ulin Skating Rink (Senate, No. 2327) (on Senate, No. 2310), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Denis  
Cailler,—  
sick leave.

A Bill to establishing a sick leave bank for Denise Cailler, an employee of the Trial Court (Senate, No. 2241) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

*Reports of Committees.*

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

Petition (accompanied by bill) of Christopher G. Fallon, Paul J. Donato and Stephen Stat Smith for legislation to establish a sick leave bank for Stephanie Savini, an employee of the Department of the Trial Court. To the committee on the Judiciary.

Stephanie  
Savini,—  
sick leave.

Joint petition (accompanied by bill) of Stephen Kulik and Benjamin B. Downing for legislation to establish a sick leave bank for Judith R. Abraham, an employee of the Department of Developmental Services.

Judith R.  
Abraham,—  
sick leave.

Joint petition (accompanied by bill) of Paul K. Frost and Michael O. Moore for legislation to establish a sick leave bank for Meridyth L. Reith, an employee of the Department of Environmental Protection.

Meridyth L.  
Reith,—  
sick leave.

Joint petition (accompanied by bill) of Todd M. Smola, Stephen M. Brewer and Anne M. Gobi for legislation to establish a sick leave bank for Frances Bonnayer, an employee of the Department of Transportation.

Frances  
Bonnayer,—  
sick leave.

Severally to the committee on Public Service.

Petition (accompanied by bill) of William Smitty Pignatelli, Stephen Kulik and others for legislation to restrict callers from using certain automatic dialing devices for sending information to subscribers of telephone services. To the committee on Telecommunications, Utilities and Energy.

Automatic  
dialing  
devices.

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

By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, on a petition, a Bill creating a task force to study the use of the internet by sex offenders (House, No. 2235).

Sex  
offenders.

By the same member, for the same committee, on a petition, a Bill relative to establishing a commission to study the reorganization of municipal public safety agencies (House, No. 2236).

Municipal  
public safety  
agencies.

Severally read; and referred, under Joint Rule 29, to the committee on Rules of the two branches, acting concurrently.

By Mr. Binienda of Worcester for the committees on Rules of the two branches, acting concurrently, that the following bills ought to pass:

To establish an Alzheimer's state plan commission (House, No. 533); Relative to a special commission on seafood marketing (House, No. 706, changed);

Alzheimers.  
Seafood  
marketing.

Establishing a special commission on gender-responsive programming for system-involved girls (House, No. 3418); and

Gender  
programming.

To study the need for drug rehabilitation for department of children and families' clients (House, No. 3419);

Drug  
rehabilitation.

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

State colleges. By Mr. Torrisi of North Andover, for the committee on Higher Education, on Senate, No. 2162 and House, Nos. 449 and 1109, a Bill relative to changing the name state college to state university (House, No. 4560) [Senator Rosenberg and Representative Provost of Somerville, dissenting.]

Firearms,—exemptions. By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, on House Nos. 541 and 2204, a Bill authorizing the licensing of firearms for persons 70 years of age or older (House, No. 541).

Fire equipment. By the same member, for the same committee, on House Nos. 2193 and 2211, a Bill relative to a fire equipment grant program (House, No. 2211).

Boat safety. By the same member, for the same committee, on a petition, a Bill relative to mandatory boating safety education (House, No. 2244).

Municipal,—loan fund. By the same member, for the same committee, on a petition, a Bill establishing a municipal public safety facilities loan fund (House, No. 2266).

Police,—bulletproof vests. By the same member, for the same committee, on a petition, a Bill authorizing reimbursement grants for bullet proof vests for certain police officers (House, No. 2275).

Disaster relief. By the same member, for the same committee, on a petition, a Bill establishing a permanent disaster relief fund (House, No. 2279).

Law enforcement fund. By the same member, for the same committee, on a petition, a Bill establishing the Massachusetts law enforcement memorial fund (House, No. 2285).

Sheriffs,—information. By the same member, for the same committee, on a petition, a Bill relative to information sharing (House, No. 2286).

Fire marshal,—investigations. By the same member, for the same committee, on a petition, a Bill relative to investigations of fires and explosions by the State Fire Marshal (House, No. 2292).

Wireless phones. By Mr. Kaufman of Lexington, for the committee on Revenue, on a petition, a Bill relative to prepaid wireless phones (House, No. 4514, changed in section 1, in line 12, by inserting after the word “Laws” the following: “; and provided further that notwithstanding any general or special law to the contrary, the department of revenue shall remit all surcharges collected to the state treasurer for deposit in the Enhanced 911 Fund”). Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Franklin foundation. By Mr. Torrisi of North Andover, for the committee on Higher Education, on a petition, a Bill further defining the membership of the Franklin Foundation (House, No. 4343) [Local Approval Received].

School buses,—seat belts. By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, on Senate, No. 957 and House, Nos. 2199, 2251 and 2301, a Bill relative to seat belts on school buses (House, No. 2199).

Shotguns. By the same member, for the same committee, on a petition, a Bill relative to the use of shotguns (House, No. 2232).

Gaming officials. By the same member, for the same committee, on a petition, a Bill for the protection of gaming officials (House, No. 2234).

Private security. By the same member, for the same committee, on a petition, a Bill regulating uninformed private security firms (House, No. 2272).

By the same member, for the same committee, on a petition, a Bill further regulating exits in sports complexes (House, No. 2283, changed in line 6 by striking the words “to all emergency exits” and inserting in place the following “or photo luminescent system to clearly delineate egress routes leading to all exits, including traditional, emergency and evacuation routes”).

By the same member, for the same committee, on a petition, a Bill providing appropriate public safety protections for security system user information (House, No. 3480).

By the same member, for the same committee, on a petition, a Bill relative to private swimming pools (House, No. 3927).

By the same member, for the same committee, on a petition, a Bill to maintain the integrity of police investigations (House, No. 4392).

By Mr. Kaufman of Lexington, for the committee on Revenue, on a petition, a Bill relative to property tax exemptions in the town of Ashland (House, No. 1904, changed by adding the following: “SECTION 2. This act shall take effect on June 1, 2010.”). [Local Approval Received].

By the same member, for the same committee, on Senate, Nos. 1228 and 2292 and House, Nos. 2854 and 3605, a Bill relative to resident property tax exemptions (House, No. 4566).

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

By Mr. Kaufman of Lexington, for the committee on Revenue, ought NOT to pass, on the joint petition (accompanied by bill, House, No. 3854) of Steven J. D’Amico, Patricia D. Jehlen and others relative to motion picture tax credits. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

*Engrossed Bills.*

Designating a certain bridge in the town of Uxbridge as the Titus Ebbeling Memorial Bridge (see House, No. 2852); and Relative to elections in the town of Wayland (see House, No. 4469); (Which severally originated in the House); Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

*Recess.*

At twenty-four minutes after eleven o’clock A.M., on motion of Mr. Galvin of Canton (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o’clock P.M.; and at seventeen minutes after one o’clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

*Quorum.*

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

Sports complex,—exits.

Public safety,—information.

Swimming pools.

Police investigations.

Ashland,—tax exemptions.

Property tax exemptions.

Motion picture tax credits.

Bills enacted.

Recess.

Quorum.

Quorum,—  
yea and nay  
No. 296.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 147 members were recorded as being in attendance.

**[See Yea and Nay No. 296 in Supplement.]**

Therefore a quorum was present.

*Motion to Suspend Rule 24 (2).*

Local Aid  
Resolutions.

Mr. Jones of North Reading moved that Rule 24 (2) be suspended so that he might offer, from the floor, Resolutions (filed by him and other members of the House) providing for a declaration of the intent of the House of Representatives relative to the amount and distribution of Local Aid to the Commonwealth's cities and towns and regional school districts for fiscal year 2011; provided, further that timely notice to cities, towns and regional school districts relative to the amounts of school and unrestricted government and distributions is essential for an orderly and rational budget process at the local level.

After debate the motion to suspend Rule 24 (2) was negated; and the resolutions were referred, under said rule, to the committee on Rules.

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

Reorganization  
Plan No. 2  
of 2010.

The Reorganization Plan No. 2 of 2010 (submitted by His Excellency the Governor under the provisions of Article LXXXVII of the Amendments to the Constitution) relative to reorganizing certain agencies of the Executive Department (see House, No. 4541), was discharged from its position in the Orders of the Day and considered forthwith under suspension of Rule 47, on motion of Mr. Walsh of Lynn.

On the question on approval of the reorganization plan, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 154 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 297 in Supplement.]**

Therefore the House approved Reorganization Plan No. 2 of 2008.

*Orders of the Day.*

Reorganization  
Plan No. 1  
of 2010.

The Reorganization Plan No. 1 of 2010 (submitted by His Excellency the Governor under the provisions of Article LXXXVII of the Amendments to the Constitution) relative to reorganizing certain agencies of the Executive Department (see House, No. 4447), was not approved.

Senate bills

Establishing the position of town clerk in the town of Charlemont (Senate, No. 2130, amended);

Authorizing the town of Greenfield to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2258); and

Third  
reading  
bills.

Authorizing the town of Greenfield to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2259);

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

House bills

Relative to special police officers in the town of Greenfield (House, No. 636); Exempting the harbor and shellfish advisory board of the town of Nantucket from certain conflict of interest laws (House, No. 1126) (its title having been changed by the committee on Bills in the Third Reading);

Authorizing the Southwick Zoo to erect certain signs (House, No. 3213) (its title having been changed by the committee on Bills in the Third Reading); and

Designating a certain bridge in the town of Clinton as the Arthur J. Mayou Memorial Bridge (House, No. 3280) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Third  
reading  
bills.

Senate bills

Authorizing the town of Winchendon to continue the employment of Allen J. Lafrennie as fire chief (Senate, No. 2066);

Amending the charter in the town of Stoughton relative to filling vacancies among town meeting representatives (Senate, No. 2238);

To improve juror service (Senate, No. 2264);

To improve juror service responses (Senate, No. 2265); and

Establishing a sick leave bank for Candice Caby, an employee of the Trial Court (Senate, No. 2273, amended); and

House bills

Authorizing the town of Oxford to grant an additional license for the sale of alcohol (printed as Senate, No. 2196);

Relative to the disclosure of information held by the disabled persons protection commission pursuant to general laws Chapter 19C (House, No. 142);

Relative to out of state child support (House, No. 184);

Creating smoke free elderly housing units in the Commonwealth (House, No. 1243);

Opposing unnecessary language restrictions in the workplace (House, No. 1851);

Relative to provide funds for ADA compliance in cities and towns (House, No. 1965);

Requiring the posting of security for the seizure and impoundment of animals (House, No. 1969, changed);

Relative to at risk dogs (House, No. 1977);

Designating a portion of Interstate 290 as the Michael Simonelli and Michael Gabriele overpass (House, No. 3171);

Relative to precautions at railroad crossings (House, No. 3206);

Second  
reading  
bills.

Second  
reading  
bills.

Punishing interference with the safe operation of trains and other certain common carriers (House, No. 3226);

Relative to the regulation of animal shelters (House, No. 3703);

Authorizing the government employers in the county of Dukes County to establish a pooled other post-employment benefits trust fund (House, No. 4105);

Authorizing the Dukes County contributory retirement system to grant certain retirement benefits (House, No. 4174);

Expanding the residency reference afforded under the civil service law to candidates for appointment as Brookline police officers to include graduates of Brookline high school (House, No. 4197);

Authorizing the treasurer of the town of Dennis to borrow in anticipation of reimbursement from betterments assessed (House, No. 4244);

Establishing a shellfish mitigation receipts reserve for appropriation fund in the town of Dennis (House, No. 4245);

Relative to the Brewster board of water commissioners (House, No. 4279);

Naming a certain bridge in the town of Dalton (House, No. 4325);

Relative to naming the portion of state highway Route 140 located in the town of Upton as the George L. Woods Veterans of Foreign Wars Post #5594 and the Marshall-Leland American Legion Post #173 roadway (House, No. 4334);

Relative to the position of appointed treasurer-collector in the town of Freetown (House, No. 4415);

Relative to national heritage commissions and corridors in the Commonwealth (House, No. 4492);

Relative to the Bayswater mitigation program (House, No. 4511); and

Establishing a sick leave bank for Thomas Troy (House, No. 4530).

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

Second  
reading  
bill  
amended.

The House Bill relative to time-share ownership (House, No. 1287) was read a second time.

The amendment previously recommended by the committee on Consumer Protection and Professional Licensure,— that the bill be amended by substitution of a bill with the same title (House, No. 4496),— was adopted.

The substituted bill then was ordered to a third reading.

Id.

The House Bill relative to designating a certain motor vehicle plate assignment (House, No. 3253) was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4515),— was adopted.

The substituted bill then was ordered to a third reading.

Second reading  
resolve  
amended.

The House Resolve to further extend the time within which the special commission established to investigate, study and designate

1,000 great places in the Commonwealth shall file its final report (House, No. 4424) was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the resolve be amended by substitution of a resolve with the same title (House, No. 4496),— was adopted.

The substituted resolve then was ordered to a third reading.

#### *Reports of Committees.*

A report of the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Senate Bill further regulating the practice of optometry (Senate, No. 1756) and recommending that the same be referred to the committee on Ways and Means, was considered forthwith, under Rule 42.

Optometric  
care.

The report was not accepted; and, under suspension of the rules, on motion of Mr. Kafka of Stoughton, the bill was read a second time; and it was ordered to a third reading.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the House Bill establishing the Massachusetts Food Policy Council (House, No. 4255) ought to pass with an amendment, substituting therefore a bill with the same title (House, No. 4568). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Food Policy  
Council.

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

Under suspension of said rule, on motion of the same member, the bill was read a second time forthwith.

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

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill relative to use of a parcel of land in the city of Woburn for recreational purposes (House No. 4449) be scheduled for consideration by the House.

Woburn,—  
recreational  
land.

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

Subsequently, under suspension of the rules, on motion of Mr. Kaufman of Lexington, the bill (having been reported by the committee on Bills in the Third Reading to correctly drawn) was read a third time; and it was passed to be engrossed, its title having been changed by said committee to read: "An Act relative to the use of a parcel of land in the city of Woburn for recreational purposes.. Sent to the Senate for concurrence.

#### *Quorum.*

Mr. Hill of Ipswich then asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Quorum,—  
yea and nay  
No. 298.

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

**[See Yea and Nay No. 298 in Supplement.]**

Therefore a quorum was present.

*Reports of Committees.*

Prior to the noon recess,—

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill relative to bullying in schools (Senate, No. 2323) ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4567. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Under suspension of said rule, on motion of the same member, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the bill (Senate, No. 2323, amended) was ordered to a third reading.

Subsequently, the noon recess having terminated, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time, under suspension of the rules, on motion of Ms. Walz of Boston.

After remarks on the question on passing the bill to be engrossed, in concurrence, Ms. Clark of Melrose moved to amend it in line 59 by inserting after the word “develop” the word “, adhere”, and in line 131 by inserting after the word “bullying” the words “; provided further that such regulations shall require a member of a school staff, including but not limited to an educator, administrator, school nurse, cafeteria worker, custodian, bus driver and paraprofessional, to immediately report any instance of bullying or retaliation he has witnessed or become aware of to the school principal or to the school official identified in the bullying prevention and intervention plan as responsible for receiving such reports or both”. After debate the amendments were adopted.

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

“SECTION 9. Chapter 71 of the General Laws, as most recently amended by chapter 27 of the acts of 2009, is hereby amended by inserting after section 91, the following new section:—

Section 92. Every public school providing computer access to students shall have a policy regarding internet safety measures and shall notify the parents or guardians of all students attending the school of the policy. Establishing the policy and any standards and rules enforcing the policy shall be prescribed by the school committee in conjunction with the superintendent or the board of trustees of a commonwealth charter school.”

The amendment was adopted.

Schools,—  
bullying.

Mr. Donelan of Orange then moved to amend the bill in line 62 by inserting after the word “guardians” the words “and district attorney’s office”.

After remarks the amendment was adopted.

Mr. Koutoujian of Waltham then moved to amend the bill in line 141 by inserting after the figures “12” the words “and during school sponsored extracurricular activities”; and the amendment was rejected.

Mr. Patrick of Falmouth then moved to amend the bill by inserting after section 2 the following section:

“SECTION 2A. Designate the 4th Wednesday in January as ‘No Name Calling Day’ in the Commonwealth of Massachusetts. This day shall be set aside annually to educate the public as to the devastating effects of verbal bullying. Encouraging positive dialogue and pledging not to name call on this designated day reaffirms the commitment of the citizens of the Commonwealth to basic human rights and dignity while respecting differences and promoting tolerance.”

After remarks the amendment was adopted.

Mr. Smizik of Brookline then moved to amend the bill in line 19 by inserting after the word “the” the word “intentional”, in line 20 by striking out the word “that” and inserting in place thereof the words “, which a reasonable person should know”, and in line 24 by inserting after the word “school.” the following sentence: “In determining whether bullying has occurred school administrators shall consider whether there exists between the alleged perpetrator or perpetrators and the target a real imbalance of power or one that a reasonable person familiar with the context would perceive, as evidenced by such factors as physical size or strength, status within the peer group, psychological advantage, age, disability, relative numbers or such other specific and objective factors as school administrators may identify.”

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 8 members voted in the affirmative and 143 in the negative.

**[See Yea and Nay No. 299 in Supplement.]**

Therefore the amendment was rejected.

Ms. Balsef of Newton then moved to amend the bill in line 141 by inserting after the year “2011.” the following sentence: “The department of elementary and secondary school education shall also publish guidelines for the implementation of social emotional learning for afterschool sports programming.”

The amendment was adopted.

Mr. Koutoujian of Waltham and other members of the House then moved to amend the bill by inserting after section 5 the following four sections:

“SECTION 5A. Section 43 of chapter 265 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:—

Amendments  
rejected,—  
yea and nay  
No. 299.



Schools,—  
bullying.

(a) Whoever (1) willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress, and (2) makes a threat with the intent to place the person in imminent fear of death or bodily injury, shall be guilty of the crime of stalking and shall be punished by imprisonment in the state prison for not more than 5 years or by a fine of not more than \$1,000, or imprisonment in the house of correction for not more than 2½ years or both. Such conduct, acts or threats described in this subsection shall include, but not be limited to, conduct, acts or threats conducted by mail or by use of a telephonic or telecommunication device or electronic communication device including, but not limited to, any device that transfers signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

SECTION 5B. Section 43A of said chapter 265, as so appearing, is hereby amended by striking out paragraph (a) and inserting in place thereof the following paragraph:—

(a) Whoever willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person, which seriously alarms that person and would cause a reasonable person to suffer substantial emotional distress, shall be guilty of the crime of criminal harassment and shall be punished by imprisonment in a house of correction for not more than 2½ years or by a fine of not more than \$1,000, or by both such fine and imprisonment. Such conduct or acts described in this paragraph shall include, but not be limited to, conduct or acts conducted by mail or by use of a telephonic or telecommunication device or electronic communication device including, but not limited to, any device that transfers signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

SECTION 5C. Section 13B of Chapter 268 of the General Laws is hereby amended by inserting in after the first sentence in subsection 3 the following paragraph:—

Such conduct or acts described in this paragraph shall include, but not be limited to, conduct or acts conducted by mail or by use of a telephonic or telecommunication device or electronic communication device including but not limited to any device that transfers signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

SECTION 5D. Chapter 269 of the General Laws is hereby amended by striking out section 14A and inserting in place thereof the following section:—

Section 14A. Whoever telephones another person or contacts another person by electronic communication, or causes a person to be telephoned or contacted by electronic communication, repeatedly, for the sole purpose of harassing, annoying or molesting the person or the person's family, whether or not conversation ensues, or whoever telephones or contacts a person repeatedly by electronic communication and uses indecent or obscene language to the person, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 3 months, or both.

For purposes of this section, "electronic communication" shall include, but not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system."

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Koutoujian; and on the roll call (Mr. Mariano of Quincy being in the Chair) 147 members voted in the affirmative and 2 in the negative.

Amendment  
adopted,—  
yea and nay  
No. 300.

**[See Yea and Nay No. 300 in Supplement.]**

Therefore the amendment was adopted.

Mr. deMacedo of Plymouth then moved to amend the bill in line 79 by inserting after the word "criminal" the words "activity is involved and criminal"; and the amendment was adopted.

The same member then moved to amend the bill in line 83 by inserting after the word "students" the following sentence: "The bullying prevention and intervention plan shall afford all students the same protection regardless of their status under the law."; and the amendment was adopted.

Ms. Peake of Provincetown then moved to amend the bill in line 88 by striking out the word "may" and inserting in place thereof the word "shall", in line 98 by inserting after the words "cyber-bullying" the following sentence: "The department shall identify and offer information on alternative methods for fulfilling the professional development requirements of this section, at least 1 of which shall be available at no cost to school districts, charter schools, approved private day or residential schools and collaborative schools."; and by adding the following two sections:

"SECTION 10. The department of elementary and secondary education shall issue a report detailing cost effective ways to implement the professional development requirements in subsection (d) of section 700 of chapter 71 of the General Laws; provided, further, that the report shall: (i) include an option available at no cost to school districts, charter schools, approved private day or residential schools and collaborative schools, (ii) explore the feasibility of an option for a train the trainer model with demonstrated success and online professional development, and (iii) include any other options which may be cost effective; provided, further, that the report shall include a cost estimate for the professional development; and provided, further, that the report shall be provided to the clerks of the senate and house of representatives who shall forward the same to the chairs of the house and senate committees on ways and means

Schools,—  
bullying.

and the house and senate chairs of the joint committee on education not later than August 31, 2010.

SECTION 11. The fourth paragraph of subsection (d) of section 700 of Chapter 71 of the General Laws shall take effect for the 2011-2012 academic year.”.

After remarks on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 150 members voted in the affirmative and 2 in the negative.

**[See Ye and Nay No. 301 in Supplement.]**

Therefore the amendments were adopted.

Ms. Peisch of Wellesley then moved to amend the bill be amended in line 55 by inserting after the word “prohibited.” the following sentence: “Nothing contained herein shall require school districts to staff any non-school related activities, functions, or programs.”. The amendment was adopted.

Ms. Wolf of Cambridge then moved to amend the bill be amended in line 125 by inserting after the word “schools.” the following sentence: “Said model bullying prevention and intervention plan shall be consistent with and organized according to the schools and behavioral health framework developed by the department of elementary and secondary education in accordance with Section 19 of Chapter 321 of the acts of 2008.”. The amendment was adopted.

Mr. Linsky of Natick then moved to amend the bill in line 18 by inserting after the word “meaning:” the following definition:—

“Approved private day or residential school”, a school, through agreement with a school committee, that accepts a child requiring special education pursuant to section 10 of chapter 71B.”, in line 31 by inserting after the word “communications.” the following definition:—

“Collaborative school”, a school operated by an educational collaborative established pursuant to section 4E of chapter 40.”, in lines 41, 48, 84, 85 and 86 and 115 and 116, by striking out the words “school district or charter school” and inserting in place thereof, in each instance, the words “school district, charter school, or an approved private day or residential school or collaborative school with whom a school committee has provided or arranged to provide alternative or special education services”, in lines 56, 59, 104, 108, 112 and 147, by striking out the words “school district and charter school” and inserting in place thereof, in each instance, the words “school district, charter school, and approved private day or residential schools or collaborative schools with whom a school committee has provided or arranged to provide alternative or special education services”, in lines 123 and 136, by striking out the words “school districts and charter schools” and inserting in place thereof, in each instance, the words “school districts, charter schools, and approved private day or residential schools or collaborative schools with whom a school committee has provided or arranged to provide alternative or special education services”, and in line 148 by striking out the word “charter”.

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the

Amendments  
adopted,—  
yea and nay  
No. 301.

Amendments  
adopted,—

same member; and on the roll call (Mr. Mariano of Quincy being in the Chair) 149 members voted in the affirmative and 1 in the negative.

**[See Ye and Nay No. 302 in Supplement.]**

Therefore the amendments were adopted.

Ms. Provost of Somerville then moved to amend the bill in line 37 by striking out the words “student or students” and inserting in place thereof the words “individual or individuals”. After remarks the amendment was rejected.

Mr. Cabral of New Bedford then moved to amend the bill by inserting after section 3 the following section:

“SECTION 3A. Said chapter 71 is hereby amended by inserting at the end of line 5 the following:— and shall inform all staff of the reporting requirements for bullying contained in section 37O of this chapter.”; and in line 55 by inserting after the word “prohibited.” the following three paragraphs:

“(b½) Any teacher, school staff or administrator of a school that is required to adopt a bullying prevention and intervention plan pursuant to section (d), or any employee of an entity hired by such a school to perform tasks which involve interaction with students, who shall have reasonable cause to believe that a child is either the perpetrator or the victim of bullying prohibited by section (b), shall, in addition to any reporting requirements contained in plans adopted pursuant to section (d), shall immediately report such activity by oral communication to the principal or the person designated to receive said reports by the plan adopted pursuant to section (d) and to the superintendent and by making a written report to both within forty-eight hours after such oral communication. A superintendent receiving a written report of bullying pursuant to this section shall immediately report such activity to the juvenile unit of the local police department upon completion of an investigation, including any investigation required by the plan adopted pursuant to subsection (d), if said investigation finds reasonable cause to believe that a child is perpetrating or suffering from bullying. Any person required by this section to make a report who fails to do so shall be punished by a fine of not more than one thousand dollars. In addition to those persons required to report pursuant to this section, any other person may make such a report if any such person has reasonable cause to believe that a child is perpetrating or suffering from bullying. No person so required to report shall be liable in any civil or criminal action by reason of such report. No person making such a report voluntarily shall be liable in any civil or criminal action by reason of such report if said report was made in good faith.

Each superintendent shall report to the department biennially the number of such written reports of bullying he receives pursuant to this section, the action he took in response and the outcome of the case as of the date of reporting.

“(b¾) In addition to any disciplinary measures contained in a bullying prevention and intervention plan adopted pursuant to section (d), any student found to have engaged in bullying shall be required to attend counseling sessions established by school district in consultation with the department. If a student is found to have engaged

yea and nay  
No. 302.

Schools,—  
bullying.

in bullying on more than one occasion, that student’s parents or guardians shall be required to attend said counseling sessions with said student.”

After debate the amendments were rejected.

Ms. Polito of Shrewsbury then moved to amend the bill by striking out section 7.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 25 members voted in the affirmative and 126 in the negative.

**[See Yea and Nay No. 303 in Supplement.]**

Therefore the amendments were rejected.

Representatives Callahan of Sutton and Speliotis of Danvers then moved to amend the bill in line 31 by inserting after the word “communications.” the following sentence: “Cyber-bullying shall also include creating or promoting a web page or blog in which the creator assumes the identity of another person and in which an individual(s) knowingly impersonates another person as the author of posted content or messages contained therein.” After remarks the amendment was adopted.

Mr. Murphy of Burlington then moved to amend the bill in line 79 by inserting after the word “notification” the following: “by the principal or person who holds a comparable role, pursuant to regulations promulgated under subsection (j).”, and in line 130 by striking out the words “shall promulgate regulations regarding” and inserting in place thereof the following: “shall, by September 30, 2010, promulgate regulations necessary to carry out the purposes of this section; provided, further, that the regulations shall include requirements related to a principal’s duties under clause (viii) of the second paragraph of subsection (d); provided, further, that the regulations shall include”. The amendments were adopted.

Mr. Scibak of South Hadley then moved to amend the bill in line 118 by inserting after the word “action.” the following sentence: “If an incident of bullying or retaliation involves a former student no longer enrolled in a local school district, commonwealth charter school, approved private day or residential school or collaborative school, the district or school informed of the bullying or retaliation shall carry out its duties relative to the incident consistent with the provisions of clause (viii) of the second paragraph of subsection (d).”. The amendment was adopted.

After debate representatives Benson of Lunenburg and Linsky of Natick then moved to amend the bill by inserting after section 5D (inserted by amendment) the following section:

“SECTION 5E. The sixth paragraph of section 3 of chapter 71B of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the third sentence the following sentence:— Whenever the evaluation indicates that the child has a disability that affects social skills development, the Individual Education Program (IEP), the program shall address the skills and proficiencies needed to avoid and respond to bullying, harassment or teasing.”

The amendment was adopted.

Amendment  
rejected,—  
yea and nay  
No. 303.

Mr. Murphy of Burlington then moved to amend the bill in line 48 by inserting before the characters “(ii)” the word “and”, and in line 49 by striking out the following: “; and (iii)” and inserting in place thereof the word “, or”.

The amendments were adopted.

On the question on passing the bill, as amended, to be engrossed, in concurrence, the sense of the House was taken by yeas and nays, at the request of the Ms. Walz of Boston; and on the roll call 150 members voted in the affirmative and 1 in the negative.

**[See Yea and Nay No. 304 in Supplement.]**

Therefore the bill (Senate, No. 2323, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment adopted by the House (for House text, see House, No. 4571, published as amended).

*Emergency Measure.*

The engrossed Bill authorizing the lease of land to yacht clubs (see House, No. 4346, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 37 to 0. Sent to the Senate for concurrence.

*Engrossed Bill.*

The House Bill providing for the financial stability of the city of Lawrence (see House, No. 4516, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays, at the request of the Mr. Torrisi of North Andover; and on the roll call 101 members voted in the affirmative and 49 in the negative.

**[See Yea and Nay No. 305 in Supplement.]**

Therefore the bill was passed to be enacted (more than two-thirds of the members having agreed to pass the same), Mr. Finegold of Andover then moved that this vote be reconsidered. The motion was entertained; and it was negative. The bill then was signed by the acting Speaker and sent to the Senate.

*Silent Prayer.*

At the request of Speaker DeLeo of Winthrop and Mr. McCarthy of East Bridgewater, the members, guests and employees then stood in a moment of silent prayer in respect to the memory of former Clerk of the House of Representatives, Wallace C. Mills of Abington who passed away on Wednesday, March 17, 2010.

Bill passed to  
be engrossed,—  
yea and nay  
No. 304.

Yacht clubs,—  
land.

Bill enacted,—  
yea and nay  
No. 305.

Wallace C.  
Mills.

*Order.*

On motion of Mr. DeLeo of Winthrop,—

Next  
sitting.

*Ordered*, That when the House adjourns today, in order to appropriately honor the services on Monday morning for former Clerk Wallace C. Mills, it adjourn to meet on Monday next at two o'clock P.M.

Speaker DeLeo of Winthrop and Mr. McCarthy of East Bridgewater then moved that as a mark of respect to the memory of Wallace C. Mills, Clerical Assistant to the Clerk of the House from 1947 to 1961, inclusive, Assistant Clerk of the House from 1961 to 1968, inclusive; and Clerk of the House of Representatives from 1969 to 1982, inclusive, the House adjourn; and the motion prevailed.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at eight minutes before seven o'clock P.M. (Mr. Mariano of Quincy being in the Chair), the House adjourned, to meet on Monday next at two o'clock P.M., in an Informal Session.