

HOUSE SESSION - MONDAY, MARCH 3, 2008

CONVENES: The House convened at 11:04 am with Rep. Donato presiding.

PRAYER / PLEDGE: Members and guests rose for a prayer from Father Quinn and remained standing to recite the Pledge of Allegiance.

RESOLUTIONS: The House adopted various resolutions, including a Rep. Peisch resolution honoring several boy scouts in her district on receiving Eagle Awards.

SHERIFF TRANSFER: Noting that the Senate non-concurred, the House receded from its recommendation to refer to the Committee on the Judiciary a Gov. Deval Patrick bill H 4498 relative to transferring county sheriffs to the Commonwealth. The bill will instead be referred to the Committee on Public Safety and Homeland Security.

AGRICULTURAL PRODUCTION: Noting that the Senate non-concurred, the House receded from its recommendation to discharge to the Committee on Revenue H 788 relative to agricultural production and profitability.

HEALTH CARE: The House concurred with a Senate recommendation to refer to the Committee on Health Care Financing a Senate President Murray bill relative to cost containment in delivery of quality health care to the committee on Health Care Financing.

WAKEFIELD BONDS: The House enacted S 1650 authorizing the town of Wakefield to issue pension obligation bonds or notes.

ADJOURNS: The House adjourned at 11:16 am to return Tuesday at 11 am in an informal session.

DISCLAIMER: Bill texts and histories are available at [www.state.ma.us/legis/legis.htm](http://www.state.ma.us/legis/legis.htm). All votes are voice votes, unless otherwise noted. Bills ordered to third reading have been given initial approval. To engross a bill is to pass it and send it to the other branch. The last of three votes taken on bills that reach the governor's desk is the vote on enactment. So, it's third reading (initial approval), engrossment (passage) and enactment. The News Service coverage of legislative debate is an accurate summary of remarks, not a verbatim transcript.

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HOUSE SESSION - WEDNESDAY, JULY 16, 2008

CONVENES: The House convened at 11:01 am with Rep. Donato presiding.

PRAYER / PLEDGE: Members and guests rose for a prayer from Father Quinn and remained standing to recite the Pledge of Allegiance.

Reps. Peake, Peterson Petrolati, Pignatelli, Provost, Rodrigues, Rogeness and Verga were in the chamber.

GUESTS: Members introduced the family of former state representative Joe Scelsi.

RESOLUTIONS: The House adopted various resolutions, including a Rep. Peake resolution honoring a student in her district and a Rep. Welch amendment congratulating a restaurant in his district on its 50th anniversary.

SICK LEAVE BANK: Rep. Rice moved reconsideration on the House's concurrence with a Senate amendment to H 4819 establishing a sick leave bank for Richard K. Ward III, an employee of the Department of Correction. The House approved the motion.

Rep. Rice offered a further amendment to the Senate amendment. The further amendment was adopted. The House concurred with the Senate amendment, as amended.

ORDERS OF THE DAY: There was no objection to proceeding with the orders of the day.

CREATIVE ECONOMY COUNCIL: The House engrossed H 4695 establishing the Massachusetts Creative Economy Council.

SPORTS COMPLEXES: The House ordered to third reading H 1852 further regulating exits in sports complexes.

RESCUE SERVICES: The House ordered to third reading H 2374 confined space rescue services.

MARTHA'S VINEYARD LAND BANK: The House ordered to third reading S 1180 relative to the Martha's Vineyard land bank.

RUTLAND FUND: The House ordered to third reading S 2519 relative to the Recreation Revolving Fund in the town of Rutland.

HEALTH CARE COST CONTROL: The House adopted a Ways and Means substitute text for S 2660 promoting cost containment, transparency and efficiency in the delivery of quality health care.

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

Rep. Walrath asked unanimous consent to consider this bill when the House returns from an expected recess. There was no objection.

HUDSON POLICE CAPTAIN: The House ordered to third reading H 4777 exempting the position of police captain in the town of Hudson from the provisions of the civil service law.

RECESSES: The House recessed at 11:31 am to return at 1 pm.

RETURNS: The House returned at 1 pm, Rep. Petrolati presiding.

SICK LEAVE BANK: By an 8-0 standing vote, the House attached an emergency preamble to H 4882 sick leave bank for Sarah Carmichael, an employee of the Department of Youth Services

SICK LEAVE BANK: By an 8-0 standing vote, the House attached an emergency preamble to H 4868 sick leave bank for Mary Mercurio, an employee of the Department of Social Services.

SICK LEAVE BANK: By a 8-0 standing vote, the House attached an emergency preamble to H 4866 sick leave bank for Shannon Crouse, an employee of the trial court.

CAMBRIDGE ABATEMENT: The House enacted H 4081 authorizing Cambridge to abate certain real estate taxes assessed on property formerly owned by Cambridge Gore Limited Partnership.

GOLF COURSE: The House enacted H 4636 leasing a certain parcel of land for the construction of a golf course.

CHILD PROTECTION: The House enacted H 4811 further protecting children

RECESSES: The House recessed at 1:12 pm to return at 1:30 pm.

WAITING FOR A RETURN: As the House's original time for returning, 1:30 pm, passed, a throng of members hovered around the rostrum reviewing a health care cost control bill. Members filtered in and out of the chamber, often stopping to discuss the fine points of the bill or proposed amendments with other lawmakers.

RETURNS: The House returned at 2:37 pm with Rep. Petrolati presiding.

LEXINGTON LAND: Question came on enacting H 4202 authorizing the Commissioner of Capital Asset Management and Maintenance to transfer control of a certain parcel of land in the town of Lexington.

#### BY A ROLL CALL VOTE OF 151-0, BILL ENACTED

HEALTH CARE COST CONTROL: Question came on engrossing S 2660 promoting cost containment, transparency and efficiency in the delivery of quality health care.

Rep. Walrath said, Just over two years ago, the House enacted the groundbreaking legislation that was a major first step in health care reform. Yet, while Massachusetts has made great strides toward universal, high-quality coverage, we know we will not fully recognize all our goals unless we control costs and increase access to residents in every region and demographic. Today, we are taking the next logical step on the road to health care reform. The bill today lays the foundation for the serious implementation of serious cost containment policies. Let me highlight some of the components. One deals with health care IT. It creates a streamline structure for an electronic health care system by 2015. It creates a system that will allow doctors to better manage care of their patients and lead to better coordination of care among providers, reducing the need for duplicate tests. By 2015, we will require that doctors have capability to use health information technology. We will also provide grants to doctors in order to help them with the transition, including \$15 million this year. We understand we have a need to adjust our payment policies so they do not provide reverse incentives. The area of payment methodology is highly complex and it's important we get it right. We have directed MassHealth to do something we know works, establish a medical home program to provide additional payments for doctors who coordinate care for those with chronic diseases. We also want to bring together policy experts, doctors and providers to look at this issue. This commission will work toward a common payment methodology and could be adopted by payers across the state and end the cost-shifting by providers once and for all. We recognize the need to implement transparency in the system. We require the Division of Health Care Finance and Policy to hold annual public hearings at which the insurers and providers about the factors that contribute to cost growth. Following those hearings, the division will publish annual reports. One additional step directs the administration to look at the feasibility of joining with other states to establish a research center on comparative efficiency. Basing policy on such research will enable us to get the biggest bang for our buck. We have a crisis in the workforce area. A shortage of primary care doctors means patients often have to wait weeks to see their doctors. Some patients in rural areas face the problem where now that they have insurance, they can't find a doctor. We create a health care workforce center to examine critical access

needs and make recommendations. We create a loan repayment program for medical school graduates who practice primary care. We expand the UMass Medical School class size to get more primary care doctors in the pipeline. It's important to encourage the cost-efficient use of drugs. We can initiative an academic drug education program. Academic educators would provide objective information and promote efficient drugs. The program will focus on doctors who tend to treat low-income members of the Commonwealth Care program. We also take on big pharmaceutical costs. We require DPH to disclose and post information concerning each company's compliance with disclosure rules. We also prevent companies from marketing controversial drugs. We include measures to reduce administrative costs. We encourage consistent codes for billing and reduce the time for which hospitals must retain reports. We require hospitals to report acquired infections and unintended events. The provisions in this bill are a major step forward toward high quality and accessible health care in Massachusetts. I urge the members to vote for it.

Rep. Walrath requested that a vote be taken by a call of the yeas and nays. There was support.

GRANT AMENDMENT: Rep. Grant offered an amendment. There was no objection to dispensing with the reading of the amendment.

Rep. Grant said, I have the first amendment of the day but I am pleased to speak to it, and I ask for your support. Two years ago, when we passed Chapter 58, one of the most important parts was the Health Care Quality and Cost Council. Who comprises that group is very important. They discuss what we do about the escalating costs. However, what has been true about that group is there is no requirement there be anyone with any clinical expertise in that discussion. This amendment provides for two clinical voices of the 18 that would be on that council. Chapter 58 has in essence put the primary care system, in a good way, under siege. For the past 15 or 20 years, we've moved to a managed care system. At that point in time, we moved to a very managed system of care. Clinical voices have never reentered the conversation about how health care dollars are spent. Often we get insurance products that pay for some things and not others, even though as a citizen, your knowledge tells you that's not the right way. We're looking at what our products should look like and who's going to pay for it and be responsible. We're on the national stage for how we're going to deal with this. I would appreciate support for this amendment. I have done my own billing with insurance companies.

The amendment was adopted.

JONES AMENDMENT: Rep. Jones offered an amendment delaying a certain provision in the bill.

Rep. Bradley said, I just want to be brief on this amendment. There's a court case now pending. This would delay a provision about data mining until November 2009. That case is being dealt with by the attorney general's office.

The amendment was adopted.

JONES AMENDMENT #2: Rep. Jones offered an amendment. There was no objection to dispensing with the reading of the amendment.

The amendment was adopted.

JONES AMENDMENT #3: Rep. Jones offered an amendment striking out a certain sentence in the bill.

The amendment was adopted.

The House went into a recess and members, including Reps. Balseer, Callahan, Dempsey and Walrath, gathered on the rostrum.

MALIA GIFT BAN AMENDMENT: Rep. Malia offered an amendment inserting a ban on gifts from pharmaceutical companies to doctors.

Rep. Malia said, I rise in support of this amendment to basically draw attention to the fact that one of the key benefits of the original legislation filed in my mind the pharmaceutical gift ban. I don't have some of the data I'm sure the industry has. But I do have some experience from working in the field of medicine some years ago. I'm concerned we're addressing the major issue of trying to draw a line on the cost of health care that if we don't do something real to really bring down and slow the escalation of health care costs, our ability to provide health care will be adversely affected. There is no way an industry spends \$7 billion a year advertising to physicians needs to give gifts. I've sat through a lot of discussions and meetings about the influence or lack of influence on legislators about gifts. I'm aware I could not even accept a cup of coffee from a lobbyist. There's a reason for that. I don't think we can all be bought by lunch, but I think what we see in the industry and where it's practiced, we have a serious problem and we ignore it at our peril. We cannot begin to cut back on the escalation of health care costs and pharmaceutical costs. That's what this amendment does.

Rep. Eldridge asked that the amendment be voted on by a call of the yeas and nays. There was support.

Rep. Eldridge said, I rise in support of this amendment. I give great credit to the gentlewoman from Stow for her work. But this is an important piece missing. I think a gift ban on marketing to physicians is needed to create a level playing field. Not all pharmaceutical companies oppose a gift ban. You have a tiered system between the large companies and can increase marketing to doctors and small companies. Talking to a smaller company in my district, talking about how his company is not able to get in the door as much as larger pharmaceutical companies and talk about the value of their drug - we should be focusing on the health value of pharmaceutical drugs. There is a lack of faith in the medical profession as more and more studies come out about payments made to physicians. The last is health care cost. The gentlewoman from Boston spoke about this. Every dollar that goes toward high-priced drugs is money we're not spending increasing access to the poor, helping our small businesses and balancing our budget. We have seen how increased costs have impacted our budget. The pharmaceutical industry spends over \$8.2 billion marketing to physicians. Half of doctors cited drug representatives as their main suppliers of information about drugs. There's a lack of belief that these marketing products don't influence physicians. We're talking about human nature. When an individual organization gives you a gift, it creates a sense of good will to help them. Let me finish by saying that this is about the government being responsible to its citizens. To eliminate the aspersion of conflicts, I hope the choice is obvious.

GUESTS: The chair introduced guests of Rep. Puppolo.

Rep. Bosley said, This bill has been around for a while now. Up until the last day or so, all I've heard about is a gift ban. That is unfortunate. There are many good things in this bill that the Senate President should be congratulated for and stuff that we put in. It highlights rural areas and their struggle to bring doctors and nurse practitioners. There's academic detailing, housing initiatives and e-health initiatives. Some hospitals are doing this. Fine-tuning advisory boards, coordinating services and none of that has been talked about. In response to the pros and the anti's, the speaker created a subcommittee of five members to look at the gift ban. After looking at this, people came in with very few statistics. We heard things that said, of course it's human nature to return favors and gifts. We also heard people say, doctors aren't stupid. We realized we needed a lot more time to figure out where this issue is. Some people came in and said this has no impact on their budgets. Some people gave away coffee mugs, pads and papers. In some cases, I had an individual who said I don't give away those things but I give away books and informational material. We heard about lavish trips to the big islands, we heard about steak dinners and other stuff. Even if that was true, we've gone from one end of the pendulum to giving absolutely nothing. There are things in the middle that you need to do. We think there are some negative effects to a total gift ban. I told one gift ban proponent, what about medical devices? He said, that wouldn't be covered. But it would have been. Even people who want a total ban, if your gift is information, new techniques, training, you should be able to do that. Mr. Speaker, at the end of the day was we endorsed a disclosure bill endorsed in several other states. We want to add to the code of ethics of the companies. Some companies do a lot of gifting, some don't do any at all. If we can do what's in this bill, without the amendment, we can come back and be far more intelligent about what we do. I hope this amendment is not adopted.

Rep. Spellane said, I rise in opposition to the lady's amendment but stand with her for her concerns about

rising costs. I think we put very strong language in this bill about public disclosure. Just last month I wrote an editorial in my local newspaper which discussed the delicate balance we had between public disclosure and the gift ban. I wrote that public disclosure is the way to go, rather than participating interacting. Last month, after my article ran, I was contacted by the Central Mass. Physician Association. They talked about the value of their interaction with pharmacy companies. I was stopped by one of those physicians later on at a little league game who indicated the value of these drugs. We have already on the books with the American Medical Association code of medical ethics. We have government involved in this process already. We have the U.S. Department of Health and Human Services and the Department of Justice involved. Last month, we passed a very ambitious life sciences bill. What would it save these companies if within a month later if we were passing one of the most restrictive biopharmaceutical laws in the country? It would be sending messages to these companies at a time when we need them. The bill before us right now gives important public disclosure. It ensures the economic prosperity for those life sciences looking to locate here.

Rep. Petrolati, in the chair, said Rep. Eldridge requests unanimous consent to withdraw his request for a roll call. There was no objection.

The amendment was not adopted.

PROVOST AMENDMENT: Rep. Provost offered an amendment creating a list of reportable events and requiring hospitals to submit a list of events. There was no objection to dispensing with the reading of the amendment.

Rep. Provost said, The gentleman from North Adams is correct that this is a very good bill. And I'm very grateful to the lady from Stow for her tremendous work. One of the parts of that bill was a bill that I originally filed in the House, which, among other things, improved the reporting of infections acquired in health care facilities. This bill tightens language about reporting events and how they are reported. This information wouldn't be reported in the aggregate. This kind of reporting is the only measure that will ultimately force all health care facilities to adopt best practices to bring their infection rates under control and improve the health of everyone who has to use these facilities.

The amendment was rejected.

PROVOST AMENDMENT #2: Rep. Provost offered an amendment relative to prohibiting health care facilities from charging patients for services associated with reportable events.

The amendment was rejected.

PROVOST AMENDMENT #3: Rep. Provost offered an amendment changing the date for requiring hospitals to report serious reportable events.

The amendment was not adopted.

KENNEDY AMENDMENT: Rep. Kennedy offered an amendment striking the ambulatory surgical center eligibility allowance.

The amendment was not adopted.

KENNEDY AMENDMENT #2: Rep. Kennedy offered an amendment adding a member to the Massachusetts Extended Care Federation to the Health Care Workforce Advisory Council.

The amendment was adopted.

RUSHING AMENDMENT: Rep. Rushing offered an amendment relative to the health information technology advisory council.

The amendment was adopted.

RECESSES: With Rep. Donato in the chair, the House recessed at 4:13 pm to return at 4:45 pm.

Reps. Bradley and Walrath spoke with aides at the rostrum. The time was 4:53 pm.

RETURNS: The House returned at 5:07 pm, Rep. Donato presiding.

RUSHING AMENDMENT: The House adopted Rushing amendment #24. The reading of the amendment was dispensed with.

BOSLEY AMENDMENT: The House adopted Bosley amendment #25.

WALRATH AMENDMENT: The House adopted a Walrath amendment dealing with health care providers submitting data. The clerk had dispensed with the reading of the amendment.

KHAN AMENDMENT: The House adopted a Khan amendment.

KOUTOUJIAN AMENDMENT: The House adopted Koutoujian amendment 36 adding a section.

KOUTOUJIAN AMENDMENT: The House adopted Koutoujian amendment 38 relative to physicians assistants.

DEMPSEY AMENDMENT: The House adopted Dempsey amendment 20 moved that the bill strike out section 47 on ambulatory services.

CALLAHAN AMENDMENT: Question came on Callahan amendment 43 relative to monitor trends and primary care providers.

Rep. Callahan said, It is a beautiful day. The sun is shining and the sky is blue. But today we have to reflect on important legislation. I had to file an amendment to undo language that was more toward special interests. I'm very, very pleased that I was able to get the listening ear of the gentlewoman from Stow and the speaker of the House. Each of us has been elected to speak for those who cannot. We're not elected to do the bidding of the special interest. The Senate President knew better and the speaker knows better, and everybody knows in this chamber we're fighting for families back home. I had a wonderful conversation, with the gentleman from North Adams talking about being out on the grass in the western part of the state. But we can't do that yet. It was really difficult to work on a bill that was finally released this morning to see language that didn't serve the best interests of people who need primary care and could undo an entire industry. People are waiting months to get an appointment. They can't meet the current demand, never mind the insurance access provision we passed. Today, through a lot of hard work, I think we've been able to come to a consensus. What this amendment is going to do is going to fix some things. It's going to provide transparency for consumers to pick a nurse practitioner. The other important this bill does is it restores the loan forgiveness that applies to both physicians and nurse practitioners. It was a comprehensive amendment, but if we didn't do it, you can't go back and say you're increasing primary care. Today I want to thank a couple of people. The people who signed onto the original amendment. I want to thank the speaker to listening to the wisdom of the people working in the field, those nurse practitioners. I want to say the original negotiated language with the Senate president was the right language. If we were not able to pass this amendment, we would have failed to do what is right by the people and not what is right by the special interests. We can't just take a bill that is lobbed over to us from the Senate and not do due diligence, even if it is at the end of a beautiful day in the middle of July. Thank you very much.

The amendment was adopted.

ROLL CALL ANNOUNCEMENT: The chair said no more roll calls are anticipated. The House will meet in an informal session tomorrow.

Chorus of yeas came from members.

**HEALTH CARE COST CONTROL:** A roll call was underway on S 2660 promoting cost containment, transparency and efficiency in the delivery of quality health care.

BY A ROLL CALL VOTE OF 152-0, THE BILL WAS ENGROSSED.

**KAYAK SAFETY:** The House adopted a Straus amendment to H 2382 relative to kayak safety. The bill was then engrossed.

**PUBLIC HEARING CONSOLIDATION:** The House engrossed H 3234 permitting the consolidation of certain public hearings.

**CHELMSFORD AFFORDABLE HOUSING:** The House engrossed H 4758 relative to affordable housing in Chelmsford.

**WESTPORT LAND:** The House engrossed H 4949 relative to authorizing and directing the Commissioner of Capital Asset Management and Maintenance to convey certain land in the town of Westport.

**MORRISSEY PETITION:** The House concurred with the Senate to send a Sen. Morrissey petition relative to compliance of life insurance to the Committee on Financial Services.

**TARR PETITION:** The House concurred with the Senate in sending a Sen. Tarr petition relative to police officers in Manchester-by-the-Sea to the Committee on Public Service.

**BINIENDA PETITION:** The House concurred with the Senate in sending a Rep. Binienda petition to the Committee on Revenue.

**EXTENSION ORDER - MUNICIPALITIES:** The House adopted an Senate extension order granting the Committee on Municipalities until Friday, July 18 to act on S 2736 relative to the North Raynham Water District and S 2738 to authorize the Mashpee Water District to hold elections for Board of Water Commissioners concurrent with the elections for Mashpee.

**TARR PETITION:** The House concurred with the Senate in sending a Sen. Tarr petition relative to transfer of land for Manchester-by-the-sea to the Committee on Municipalities.

**ADJOURNS:** The House adjourned at 6:35 pm to meet next on Thursday at 11 am in an informal session.

- END -

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HOUSE SESSION - TUESDAY, JULY 29, 2008

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CONVENES: The House convened at 11:03 am, Rep. Donato presiding. Chaplain Quinn offered a prayer. Representatives and guests recited the Pledge of Allegiance.

HONORING BILL MONBOUQUETTE: The House adopted congratulatory resolutions offered by Rep. Atsalis honoring a 50-year baseball coach and Rep. Kujawski honoring former Boston Red Sox pitcher Bill Monbouquette on his many accomplishments.

MASSHEALTH EQUALITY: At 11:27 am, the House enacted H 4107 relative to equality in the MassHealth program.

RECESSES: The House recessed at 11:28 am, intending to return at noon. Rep. Donato said roll calls will start at 1 pm.

RETURNS: The House returned at 12:10 pm, Rep. Donato presiding, and recessed, intending to return at 1 pm.

The House did not resume its session at 1 pm. Several members talked in the well, waiting for something to happen. Speaker DiMasi conferred with Dean Flynn at the rear of the second division.

At 1:39 pm, the session remained in recess. Speaker DiMasi was on the rostrum.

RETURNS: The House returned at 1:42 pm, Speaker DiMasi presiding.

SICK LEAVE BANK: The House enacted S 2678 sick leave bank for Lois Tobin of DMR.

SICK LEAVE BANK: The House enacted S 2710 amended, sick leave bank for David Vitale of the Trial Court.

MITOCHONDRIAL DISEASE: The House enacted H 3246 designating Mitochondrial Disease Awareness Week.

SICK LEAVE BANK: The House enacted H 4209 sick leave bank for a DOC employee.

PLANNING BOARDS - PUBLIC HEARINGS: The House enacted H 3234 consolidation of certain public hearings of planning boards with other agencies of cities and towns.

ROLLING ROCK: The House enacted H 4823 designating Rolling Rock as the official glacial rock of the Commonwealth.

BANKING LAWS: The House enacted H 4901 clarifying certain banking laws.

CAREER LADDER: The House enacted H 4953 long term career ladder grant program.

LNG TERMINALS: The House enacted H 2383 regulating LNG import terminals.

GREEN JOBS: At 1:50 pm, with Speaker DiMasi in the chair, the clerk announced that the Economic Development Committee, after reviewing Speaker DiMasi's bill (H 4844) recommended a redraft (H 5018) relative to green jobs. Bill ordered to third reading on voice vote.

SUPPLEMENTAL BUDGET: The House Ways and Means Committee reported to the floor H 5022 a \$116 million fiscal 2008 supplemental budget. Bill ordered to third reading on voice vote.

The public gallery was unusually full.

GUESTS: A seventh grader and his dad, were introduced to the House as guests of Rep. Grant. Members applauded.

MENTAL HEALTH PARITY: The House concurred with S 2840, the Senate version of H 4423 relative to mental health parity.

HIGHER EDUCATION BOND: The House Ways and Means Committee reported to the floor H 5024 a \$2.1 billion higher education bond and the House version of S 2785. The House adopted the Ways and Means amendment and ordered the bill to third reading at 2:14 pm.

Speaker DiMasi said the chair intends to take the bill up for engrossment today and members filing amendments should do so as soon as possible.

PET RENTAL BAN: Question came on enacting H 5006 prohibiting the rental of certain pets.

Rep. Frost requested a roll call and there was support. Speaker DiMasi said the roll call would be open for six minutes.

CASEY ERLICH: Rep. Erlich's daughter was introduced to applause at 2:29 pm.

BY A ROLL CALL VOTE OF 155-0, BILL ENACTED

GROUP MARKETING PLANS: The House engrossed H 4948 relative to group marketing plans.

MARRIAGE LAWS: Question came on engrossing S 800 relative to marriage laws.

Speaker DiMasi banged the gavel and asked members to take their seats.

Rep. Jones requested a roll call and there was support.

Rep. Rushing of Boston said the issue before us is the repeal of the so called 1913 law. The law was chapter 360 of the Acts of 1913 and it said that Massachusetts would not perform any civil marriage ceremonies and grant any marriage licenses to couples whose members were from out of state and could not legally get married in their state. I am not sure how many people here who are not clerks knew that that law was on the books before 2004. I don't know how many people here knew people who came from out of state and got married here who in their own state could not get married. To my knowledge, unless a clerk became very specific in asking questions about the laws in those states, most of those people got married here. Few clerks asked the question of couples in the 1950s and 60s and 70s, can you marry this person in your own state? How is this person related to you? Is this person a cousin? Is this person a first cousin? Can you marry a first cousin in your state that you are coming from and have this nice marriage in the Berkshires? I am not sure we know the answer. Can you marry your first cousin in Massachusetts. The no's are wrong. You can. How many couples were asked that question? Except for a few people we did not think about this law. Then we had the Goodridge decision. People informed the governor of this law and suggested we enforce it for this new population that had not been before that been able to legally marry in this state, same-sex couples. We had a law on the books that was not being enforced, reinvigorated. In its reinvigoration, we made clear that all clerks should ask same-sex couples from out of state seeking a marriage license, they would be asked can you legally marry in your own state? Until a few weeks ago it was a rhetorical question. Many of us thought this law was unconstitutional and had it been raised earlier, the SJC might have agreed. That case did not go there until after Goodridge and the SJC ruled it was constitutional. This is a question of fairness and it is a question of equality. We have allowed people to marry in Massachusetts who could not legally marry in their own state for decades and now we want to change how we apply a law that we never enforced. It is a matter of equity. It is the manner of equity that I and you should know that your state will grant to anyone in this country what you and I can have in Massachusetts if that person comes to Massachusetts. That is the equity in the decision to repeal this law. Others will speak of this in terms of context and what we owe our citizens and visitors. Others will speak in terms of what might happen if a couple comes here, gets married and returns to a state where that marriage might not be considered legal. I end my remarks on one or two historical notes. There has been a considerable amount of misinformation distributed to us. The first issue I want to raise is uniform state laws. The law is on the books because there is an organization of the National Conference of Commissioners of Uniform State Laws and they came up with uniform state laws on marriage in 1912 and they urged all states to adopt that uniform set of laws on marriage and one of those laws was this law we are talking about, the law about not allowing marriage to people from out of state in a state that has different marriage rules. In 1913, this Legislature, our colleagues several generations removed, adopted that part of the uniform state marriage laws. There is a question about why they did this. It wasn't only race that was the concern but it certainly was a concern. More importantly for us is the fact that this organization which still exists, in 1970 repealed the whole 1912 report on marriage. Unfortunately in 1970 the Massachusetts Legislature was not paying attention. One word about this law and interracial marriage. There has been a considerable amount of email saying this law was not passed because of concern about interracial marriage. Well, sorry. There was a lot of concern about interracial marriage in this country around 1913. It became popular when Jack Johnson, an African American prizefighter, won the title and he had an outgoing personality and many did not think he acted in a way that African Americans who are successful should act. He seemed to have no humility. He married a white woman in 1910 and the moment he did the idea of interracial marriage became a huge popular debate. In most of the United States, there were few laws against interracial marriage outside of the south. In 1913 ten states passed laws against interracial marriage. This was an issue being debated that people in this Legislature knew about. This Legislature was not moved to repeal that law so interracial marriage continued to be legal but they did adopt this chapter, the 1913 law. To say it had no effect on this Legislature is just wrong. The leading African American newspaper had a survey of all the governors and asked their opinions and the governor who signed this law said he was in favor of placing such a law on the books. Fortunately, those opinions were never in a majority of this Legislature. Let us repeal this law. Let us be equitable.

Rep. Lepper of Attleboro said I rise in opposition to repeal of this law. Any marriage has three willing partners, the two spouses and the recruiting state. This section ensures that there will be a willing and approving state that will enforce all stipulations and benefits associated with marriage, a legal bulwark of our society. The provision ensures that Massachusetts is not a state that will create relationships and set it adrift in a disapproving state without support. If same-sex couples who can not marry in their own state marry here and disputes erupt, such as divorce or separation or child custody issues, they will be in a legal

limbo. It's happening now. It's happening in Rhode Island. If the 1913 law is repealed it seems we will be leading ourselves into a legal nightmare. Forty-one states have laws banning same-sex marriage, 27 of which are constitutional amendments. In California a constitutional amendment is on the ballot in November. It defines marriage as a union of a man and a woman. Is it not possible that the repeal of this act would cause a reaction that would increase barriers to same-sex unions? Legislators who support same-sex marriage should think twice about repealing this law.

Rep. Loscocco of Holliston said he supports the bill and the repeal of the law. Regardless of one's position on the issue, civil marriage among the same sex is now the law in Massachusetts and it deserves equal protection under our statutes. The law unreasonable hinders same-sex couples. Much of the discussion has focused on possible racist history. Those opposed to repeal cited sources to show enactment of the law was not racially motivated. Even if correct, application of the law has impacted interracial couples. Many believe same sex marriage was the result of judicial action. It was actually us who sanctioned it first by taking no action and then by not sending the question to the ballot. By its actions the Legislature has established the same legal status for same sex as heterosexual couples. By not repealing, the Legislature is saying to a limited group of same sex couples that civil marriages of this type are theoretically equal are, merely being tolerated only for those who live in Massachusetts. The application is patently offensive to Massachusetts same-sex couples. Equal under the law means just that, equal. Having made a determination in this chamber that civil marriage applies equally, the Massachusetts Legislature should repeal the 1913 law.

Rep. deMacedo of Plymouth said he opposes repeal of this law. When the issue first came about, I did not have a lot of information about the issue. I heard about interracial marriages. I thought it prudent to read the attorney general's brief from 2006 in the case that went before the Supreme Court. [Rep. deMacedo read at length from a court decision discussing out-of-state couples wanting to evade the marriage laws of their own states] The decision proved the need not to impose the will of one state on another.

Rep. Wolf of Cambridge said she supports repeal of the law. My friend Kate grew up in my city. I gave her my high school diploma. She called me shortly after the Goodridge decision and she was living in a western state. She said does this mean I can come home and get married? She is a lesbian. I said I am sorry it does not because we have this law on the books. I tell the story because it shows clearly the issues of fairness and equity that the gentleman from the South End raised earlier. Her family and friends are here. Her friends who are not gay and lesbian can be among their family and friends where they grew up and they can be married. That is just plain unfair and I know that all the members of this House want to assure that each son and daughter that we our our constituents have will have equal rights. I ask that we repeal this law and give fairness and equality to our young people and our old people.

Rep. Rogeness of Longmeadow said she hopes the law is not repealed. I do not question that the law was passed for among other things interracial marriage, which was allowed in our states. The reason we are facing repeal is we have gay marriage which is not recognized in 48 other states. Repealing this law will have an effect beyond. We in Massachusetts pride ourselves on being a progressive state and hold in some disrespect states that have teenage marriage. We talk about the singer of Great Balls of Fire. When I was in high school, there were lots of people getting married at 17 with permission of their parents. We do not have a minimum age for marriage. NCSL talks about us as a state that does not have a minimum age, with consent of your parents you can get married under the age of 18. In 2008 we are thinking about same-sex marriage. Then as now the question of underage marriage is a factor. If this law is repealed, people can come to this age and get married, 14, 15, 16 and 17 year olds. Gov. Romney had smart lawyers. This was cited by the justices in their decision in favor of same-sex marriages. It was said you don't need to worry about what will happen because we have this law and it will keep it from happening throughout the country.

Rep. Spellane of Worcester said he hopes the bill is engrossed. I thank the folks who have spoken before me, especially Rep. Rushing who offered a passionate summary and perspective. This was filed on April 22, 2004 by myself and two of my classmates. There have been changes in history and society and it is incumbent on us to bring the law into our current time and lead this commonwealth into a new generation. Gay couples have been discriminated against by a contradictory law written a century ago. The law should not be allowed to prevent gay and lesbian couples from participating in what is rightfully and legally theirs. When there is a law on the books that is unconstitutional, it is the right and duty of this body to review and repeal that law. This law reminds us of a time we are not proud of. The effect has only one effect and that is to hurt families in the Commonwealth. I hope the bill is adopted.

BY A ROLL CALL VOTE OF 118-35, BILL ENGROSSED. Those not voting: Reps. Fresolo, Natale,

O'Flaherty, Pignatelli, and H. Stanley.

**NON-PUBLIC SCHOOL DEFERRED COMPENSATION:** A new Antonioni bill was not referred to the Committee on Education, as the Senate wished, and the House referred the bill to the Workforce Development Committee.

**FRESOLO MARRIAGE VOTE:** Rep. Fresolo voted late, without objection, and voted no on repealing the 1913 law.

**O'FLAHERTY MARRIAGE VOTE:** Rep. O'Flaherty voted late, without objection, and voted yes on the question of repealing the 1913 law.

**HOUSE AGENDA:** Rep. Donato said we are waiting for Bills in Third Reading to bring up green jobs, the supplemental and the higher ed bill. We will do engrossments in the meantime.

**SELF-DETERMINATION MODEL:** The House ordered to third reading S 2781 resolve providing for an investigation and study by the Commissioner of Mental Retardation on a self-determination model for persons with disabilities.

**SHEET METAL:** The House concurred with the Senate version (S 2822) of H 4804 relative to the licensing of sheet metal workers.

**ACTON:** The House at 4:07 pm engrossed S 2509 authorizing DCAM to lease certain property to the town of Acton.

**SHIRLEY:** The House engrossed S 2510 authorizing DCAM to lease property to the town of Shirley.

**EASEMENT:** The House engrossed S 2511 authorizing DCAM to grant an easement over lands held for conservation and recreation purposes.

**FITCHBURG:** The House engrossed S 2589 authorizing Fitchburg to lease certain park land to the Wallace Civic Center and Planetarium.

**MENTAL HEALTH PARITY:** The House at 4:10 pm raised H 4423 mental health parity for enactment but the bill was then laid aside.

**INTERIOR DESIGNERS:** The House enacted H 4731 relative to interior designers bidding on state contracts.

**FINNERAN:** Rep. Donato, in the chair, introduced former Speaker Finneran, a visitor to the House to the left of the rostrum. Finneran is now a lobbyist (Finneran Global Strategies) and radio talk show host (WRKO-AM). Welcome back, Donato said.

**WORKING THROUGH DINNER:** Rep. Donato at 4:36 pm said dinner will be served in the members' lounge at 5 o'clock and we will be working through dinner.

**WELLESLEY EASEMENTS:** The House ordered to third reading S 2219 relative to certain easements held by the Commonwealth of Massachusetts and the Massachusetts Water Resources Authority in the town of Wellesley.

Speaker DiMasi, who had presided earlier, returned to the rostrum at 4:50 pm and conferred with Rep. Dempsey.

**DAIRY FARMS:** Rep. Donato said he had been informed that the Bills in Third Reading has released H 4989 preservation of dairy farms. Rep. Bosley offered an amendment substituting the text of a new bill. The unread amendment was adopted and the bill, as amended, was engrossed.

**GRANVILLE:** The House enacted H 4796 relative to county highways in Granville.

**NATICK LEASE:** The House attached an emergency preamble to H 4806 authorizing DCAM to lease property to Natick.

**EDGARTOWN:** Question came on enacting H 4294 conservation restrictions on parcels of land held by the Martha's Vineyard Land Bank in the town of Edgartown.

**REGISTRAR OF MV:** Registrar Rachel Kaprielian was introduced, talking to former colleagues at the rear of the chamber.

**BY A ROLL CALL VOTE OF 151-0, BILL ENACTED**

**GUESTS:** A group of guests was introduced at 5:05 pm.

**GRAFTON:** Question came on enacting H 4513 South Grafton and Grafton water districts.

**BY A ROLL CALL VOTE OF 152-0, BILL ENACTED.**

**MENTAL HEALTH PARITY:** Question came on enacting H 4423 relative to mental health parity.

Rep. Jones requested a roll call and there was support.

**BY A ROLL CALL VOTE OF 153-1, BILL ENACTED.** Rep. Koczera voted no.

**BOSLEY LATE VOTES:** Rep. Bosley received consent to vote late on the last two roll calls.

**POLITO BILL:** A late-filed Polito land bill was admitted and referred to the House Rules Committee.

**HARKINS LATE VOTES:** Rep. Harkins received unanimous consent to vote late on the last three roll

calls.

**SUPPLEMENTAL BUDGET:** Speaker Dimasi took the chair. At 5:22 pm, H 5022 fiscal 2008 supplemental appropriations was released from the BTR Committee.

Question came on engrossing the bill. Speaker DiMasi said all the members who have filed amendments shall be in the chamber because they will be called in order and taken up forthwith.

**GUN LICENSE FEE REDUCTION AMENDMENT:** Rep. Peterson offered an amendment and there was no objection to not reading it.

Rep. Peterson said the governor had a plan to raise gun owner fees from \$100 to \$250. There were amendments to do away with fees because we felt it was an infringement and their Second Amendment rights were being priced out, a backdoor way of getting at folks according themselves of the Second Amendment. Ways and Means deleted those items. I offer an amendment here to reduce the current license fee from \$100 to \$40. We lost by six votes in budget debate. I thought it worth the effort to do this here. Will it reduce revenue? Yes. For several years those fees were used to update equipment and those expenditures are gone. The \$40 fee was the original license fee. This won't affect cities and towns. Rep. Peterson requested a roll call and there was support.

**BY A ROLL CALL VOTE OF 94-57, AMENDMENT ADOPTED**

**RAINY DAY FUND REPLENISHMENT AMENDMENT:** Rep. Jones offered amendment 4.

Rep. Peterson said this is straightforward. This supplemental deficiency is sort of to close out the books on accounts and under the fiscal 2008 budget we anticipated taking \$240 million out of the rainy day fund. Fortunately revenues for this last fiscal year came in at close to \$1.1 billion more than what we built the budget on. We heard over and over that we have to protect the rainy day fund. In this budget, we have a transfer of \$100 million back into the fund but it is prudent to replace the money we took out at the beginning of the fiscal year. We didn't need it. I would urge the members to consider strongly making the transfer of the surplus monies into the rainy day fund to replenish it since we are not allowing the interest to accrue there - we are using it in this year's budget as well as the statutory payment. We have the cash to do that. I urge members to adopt this amendment and ask Ways and Means to give us an explanation of how much money is left out of the surplus and how much will be spent.

Rep. St. Fleur said she opposes the amendment. The appropriate time to put the dollars back is after the certification of the surplus. We are still paying our bills. About \$235 million in the supplemental budget is because of deficiencies in the the Lottery. It would be more prudent to wait for the certification before we revert more than we do here.

Rep. Peterson said we can well afford to put the \$240 million back into the rainy day fund.

**Amendment REJECTED.**

**JONES AMENDMENT:** Rep. Jones offered amendment 5 adding several sections. There was no objection to not reading the amendment. It was **REJECTED**.

**JONES AMENDMENT - FAIR SHARE PAYMENTS:** Rep. Jones offered amendment 6 striking sections 18 and 19.

Rep. Peterson said under the two sections there are changes dealing with reporting requirements for businesses under the fair share plan. The net effect, going to quarterly filing, will increase the administrative burden for a lot of businesses and cause them to count as full-time employees seasonal and temporary hire employees, creating a difficult situation. So what this amendment does is do away with that quarterly filings so we are not in essence increasing the number of full-time employees.

Rep. Peterson requested a roll call and there was support.

Rep. Walrath said the provision we have before us, I urge members to vote against it. It requires fair share payments on a quarterly basis. The amendment changes it back to what it is now, a yearly basis. It does not change which employers pay or the number of employees for which they must pay or the amount they pay. It does not run counter to any agreement about employer responsibility. Employers calculate the fair share on an annual basis and pay on a pro-rated basis. The language in the amendment allows us to collect what is owed the state in a timely fashion.

**BY A ROLL CALL VOTE OF 23-127, AMENDMENT REJECTED.** Time was 5:53 pm

**AMENDMENT STRIKING NEW ASSESSMENTS:** Rep. Jones offered amendment 7 and there was no objection to not reading it.

Rep. deMacedo said this amendment deals with the fair share assessments and strikes sections increasing the assessment on insurers by \$32 million, and on hospitals by \$20 million and it strikes the transfer of \$35 million from the trust fund. The increases and transfer amount to an additional \$89 million in health care revenues paid by hospitals, private insurers and businesses. We know that when we did this bill last year

we knew there was a delicate balance between providers and hospitals and insurers and individuals and businesses. It took a year and a half to reach this compromise. We are now going back again to the business community - with respect to my colleagues the business community has had a pretty difficult year here in the House of Representatives. We can not continue to go back to the goose that laid the golden egg and not expect it to send a terrible message about doing business in the Commonwealth. I read an article in the paper on a report and one argument we should take a look at is the issue in reference to the Medicaid population - half is in managed care and half is not. The suggestion was we can save \$160 million but putting the entire population into managed care. We should look at those things first prior to going to businesses. The business community is very unhappy with these assessments. This is another \$89 million assessed. They just paid \$550 million. Consider striking this.

Rep. Hynes said this amendment strikes section 17. I don't know if I will vote for or against it. It says there will be an additional assessment on insurance companies and it will be up to \$33 million. I thought we had grave concerns about the ever increasing costs and affordability of health insurance. How does this as a matter of public policy go towards resolving or at least freezing the growth of costs. I belong to the GIC and my insurance premium went up 20 percent as of July 1. I fee the ever increasing costs of premiums, just as our constituency does. We have spoken to this matter repeatedly over the past year saying the first show for reform has taken place, expanding it to most people. Now we need to be diligent about making sure the cost of health care is affordable. Is this \$33 million visited on the health insurance industry and will they not pass that on to premiums so the cost of insurance instead of being controlled will in fact be exacerbated, be increased?

Rep. Walrath said she opposes the amendment. I want to address the gentleman's question. You all remember Chapter 58. We talked about it as the bill with shared responsibility with individuals, employers and hospitals. Health reform has been a success so far but we face challenges. Commonwealth Care enrolled faster than we predicted. We have to pay a little more a little sooner than we thought. The rising cost of health care plays a role. We have a major bill we passed on cost containment that we hope to finalize in the next day or so. We must stabilize for fiscal 2009 and we try to stay true to shared responsibility. We have asked individuals who have gained insurance under this to pay more. Commonwealth Care members on July 1 started paying higher premiums and co-pays approved by the Connector. This budget creates modest demands on two legs of the stools, providers on a one-time basis with \$20 million and employers paying fair share assessments. We tap into the medical security trust fund which holds employer premiums for coverage when people become uninsured. The fund now stands at over \$89 million and we proposed to use \$35 million. We ask insurers with reserves higher than what is required under regulatory standards to contribute \$33 million. Probably two insurers will end up paying this. We build safeguards into the bills and can credit assessments to amounts hospitals owe in the next year. We will only tap the trust funds if it is needed to pay.

Rep. Hynes of Marshfield said I heard her say two health insurance providers have a net worth surplus . . .

Rep. Donato said he could not hear.

Rep. Hynes said I think I heard her say at least two insurance providers have a net worth surplus in excess of what the Division of Insurance suggest they have. Is that the total net surplus available to those companies and who are those companies? Will this assessment on those two insurance companies be passed on to the ratepayer, you and I who are paying premiums?

Rep. Walrath said I will try to add a few other comments. We know some insurers have built up reserve levels that go beyond what was necessary . . .

Rep. Donato again asked for quiet.

Rep. Walrath said one reason the insurers have these reserves is due to the business that has come to them due to the implementation of the individual mandate, with 120,000 more people enrolled in private plans. So that's another reason. There is nothing in terms of good accounting standards. Thank you.

Rep. Barrows said this is a very complicated issue. As a small employer I tried to determine what my assessment would be for eight full-time employees and trying to understand the penalties I would face for part-timers. When we say we will release the reserves, we have already paid for that significantly. Employers insure over 80 percent of those in Massachusetts. The experiment was to take money freed up from the free care pool and buy insurance. We spend \$450 per person instead of \$150. Small employers are the ones I am worried about. We did corporate tax changes, the mental health parity act. We mandate, mandate, mandate benefit, benefit, benefit upon employers. Employees have increased out of pocket expenses. It's not just the employers. I urge you to support this amendment. Let's think aboutu how to solve this problem and finish the job with cost containment.

By voice vote, amendment rejected.

Rep. Rogeness doubted the vote and requested a roll call and there was support.

**BY A ROLL CALL VOTE OF 24-129, AMENDMENT REJECTED**

**PATRICK AMENDMENT - SOLAR TAX CREDITS:** Rep. Patrick offered amendment 9 adding three sections.

Rep. Patrick said I am doing this - I want to take an opportunity to educate you about an area regarding the solar tax credit. This increases it from 15 percent to 50 percent of the cost of a system with a cap. It is imperative to the Commonwealth. No count exists that I know of but at one point about 500 are employed in businesses installing solar systems. President Reagan was elected and took the panels off the White House and this concluded the solar tax credits. We then let ours lapse. I asked DOR to do an economic impact study. They said if a thousand families participated it would cost \$5 million in tax revenue. It would create 44 new jobs and produce an income to the state of \$1.54 million in new payroll taxes. The total benefit to the economy would be \$5.3 million. I think it was conservative. We are looking at an energy disaster for constituents. Three years ago I predicted the cost of oil per barrel would rise to over \$100 a barrel. Not too many paid attention. Mr. Speaker can you please . . .

Rep. Donato requested order in the House.

Rep. Patrick said this is important for people to hear. I am not doing this for my own good. I don't expect my constituents to see this at home.

Rep. Verga said he could not hear.

Rep. Donato asked members to take their seats.

Rep. Patrick said we are looking at an energy disaster for our constituents this winter. The handwriting is on the wall. Production of oil is falling off while demand increases. Production has been cut in Nigeria by rebels who are blowing up wellheads. We are at the mercy of oil producing companies who have no love lost for us. This winter oil is predicted to reach five dollars a gallon. Oil dealers are concerned about their cash flow. Every time they fill up their trucks it will cost them 80 to 85 thousands dollars. Providers will not extend credit. They may go out of business. Remember the oil crisis when gas jumped from 30 cents to over a dollar? Senior citizens were freezing to death in their homes. We created the fuel assistance program. Now it would almost have to double its outlay to provide the same amount of oil as last year. Oil will never drop below 100 dollars a barrel. What can we do? We have wasted 27 years already and must harness the market with incentives so residents and businesses can invest capital to be more energy efficient. Every time your constituents save a buck in imported oil it is a dollar they can spend in the local economy. I won't ask people for a vote on this tonight but I want people to think about this. Thank you.

**AMENDMENT REJECTED.**

**DONELAN AMENDMENT:** Rep. Donelan offered amendment 16 and it was rejected.

**PETERSON AMENDMENT:** Peterson amendment 17 was offered. There was no objection to not reading it. After a recess, Rep. Donato began calling the amendment and then called another recess. Rep. Peterson conferred with an aide to Speaker DiMasi and Rep. St. Fleur. There was then no objection to considering no action on the amendment.

**FROST AMENDMENT - GAS TAX HOLIDAY:** There was no objection to not reading Frost amendment 20.

Rep. Frost said this seeks to provide a gas tax holiday. We did a sales tax holiday. It turns \$117 million back to the citizens, to our commuters and our communities. A few months back the Republican candidate for president, Sen. McCain and Sen. Clinton came up with their own federal tax holiday in the summer months to provide some relief. This proposal would run from Aug. 15 all the way to Oct. 15, after Columbus Day Weekend. It covers some of the summer, which will help boost our economy. We hear a number of communities in school budgets concerned about fuel bills. We know one hurricane that comes close to the Gulf Coast will send prices rising. The gas tax here is 21 cents a gallon. This proposal backfills the \$117 million that would be lost in revenue so all our transportation projects are satisfied. We seek to help our constituents when they are struggling with gas prices and the high cost of home heating oil. This is not a solution to the problem but a way of infusing \$117 million back into the Commonwealth that people can spend on their grocery bill or in other ways.

By voice vote, amendment REJECTED.

**KUJAWSKI AMENDMENT:** Kujawski amendment 15 offered at 6:45 pm. There was no objection to not reading it.

Rep. Kujawski said assessing reserves creates an unlevel playing field among competitors. The surplus assessment hits in-state plans and does not hit one company because of their financial situations. Pool

assessment equitable impacts all health plans. I want to make sure there is a level playing field for everyone. I will be watching developments at the DHCFP.

Amendment REJECTED.

SANCHEZ AMENDMENT: Rep. Sanchez offered an amendment and then received unanimous consent to withdraw it.

COAKLEY-RIVERA AMENDMENT: There was no objection to not reading a Coakley-Rivera amendment and it was adopted at 6:57 pm.

KOUTOUJIAN AMENDMENT: A Koutoujian amendment was not read, without objection, and rejected.

NAUGHTON AMENDMENT: There was no objection to not reading a Naughton amendment, which was rejected.

Rep. Petrolati took the chair at 7:04 pm.

LOCAL TAX ABATEMENT AMENDMENT: Rep. Hill offered an amendment. There was no objection to not reading it.

Rep. Hill was then recognized and said this amendment I filed a couple of times this session. I have been asked to withdraw it and put it in other vehicles. I propose tax relief for senior citizens. We go back to February and March and April of this year and you see our communities had to pass overrides to pay for their education. Many of us argued the way we distribute education funding is flawed. Because of that many suburban communities are getting hurt. We were supposed to address the formula seven years ago. We have chosen as a body not to do anything. The longer we wait the more hurt our communities are and communities raise their real estate taxes to pay for education, a million or two million dollars at a whack. Our senior citizens can't afford it. Look and see what we are doing. We are causing class warfare, the elderly to fight against the young people. What my amendment would do is take an existing program, Chapter 59 41C, administered through municipalities, this has nothing to do with state funding. I ask us to give communities the option to increase the tax abatement they can give their citizens from \$500 to \$2,000. We give them a range to choose. We did this in a bond bill four or five years ago, up to one thousand. It's a local option. I also ask you to give communities tools to change criteria for those who qualify for this program. I am trying to make the criteria more uniform with the state's circuit breaker law. It does not cost the state anything.

Rep. Hill requested a roll call and there was support.

BY A ROLL CALL VOTE OF 61-91, AMENDMENT REJECTED

PETERSON AMENDMENT - SBA FEASIBILITY: Rep. Peterson offered amendment 17. There was no objection to not reading it and it was rejected.

PETERSON AMENDMENT 18: Peterson amendment 18 REJECTED. It dealt with the Natural Heritage and Endangered Species Fund.

BOSTON MEDICAL CENTER - TRUST FUND: Casey amendment 23 offered at 7:25 pm.

Rep. Casey requested a roll call and there was support.

Rep. Casey said I had an exhilarating conversation with impressive people from Ways and Means and Health Care Financing, adamantly opposed to what I am suggesting. I am a little tired. Under this old exterior is really an angry person. It's just because year after year we have a supplemental budget and we keep oozing out millions of dollars. Section 28 caught my eye and it gives basically \$64 million to BMC. Year in year out, last year close to \$200 million to BMC. You will hear them say it's 50 percent funded by the feds so if you are in the know pass this. My question is if we give \$64 million more to BMC then what about the rest of community hospitals and health centers? The two institutions are like pac men eating what's available for health care. Other hospitals, baby dishes, there's more hospitals out there. Why not split the difference? It's hunger has no end. I am saying there are dozens of other hospitals out there. Give \$32 million to hospitals in Southbridge, Milford, Jordan, Milton, I just name a handful that benefit from the Essential Community Provider Trust Fund. We keep paying hundreds of millions of dollars. BMC and Cambridge has received close to a billion dollars from us in the last few years. It's our money that's going out. Isn't it the right moment to stand up for your hospital? The trust is down to \$25 million and it's slowly decreasing. We say these are tough times and we are going to cut the fund to \$25 million and charge your hospitals \$20 million more bucks but don't worry because we are going to give \$64 million more to another hospital. Something is awry in Denmark, ladies and gentleman. Strange person from Winchester that I am, I ask how much we have provided to these one or two hospitals? Believe it or not, we don't know. I try to get an average. It's somewhere in the hundreds of millions of dollars. That's the first question, why don't we know? My community hospital received zilch. The time is now and it's up to each and every one of you to say enough is enough. We can't pay one or two institutions forever just because they are taking a dire



populace. There are other hospitals that are under the gun and may well close this year. We just passed FFP in the budget. Compared to what we give BMC, it's a dollar. It's about \$25 million. Well the governor vetoed that. I ask you out of fairness and what's right to support this amendment.

Rep. Walrath said I oppose the amendment and the one that follows this. The funds we are talking about that the gentleman is looking to expend were already committed a long time ago. We are voting on a supplemental for fiscal 2008 and the changes amend the fiscal 08 budget, not the fiscal 2009 budget. We are amending language to specify that the funds are to be spent through the safety net pool to ensure that the funds will not count against budget neutrality and that we will get a federal match. I understand the gentleman's passion and his amendment would be very harmful even if it were possible to divert the money. It would require an increase in the bottom line of the budget because it would require state dollars. It would not qualify for a federal match.

Rep. deMacedo said I respectfully disagree and hope this amendment is adopted. I am extremely concerned about the fact that our federal waiver has not been approved yet. That's \$600 million for the next three years. Yesterday we found out there is another extension. The federal government is extremely concerned about this waiver and the deal we have with BMC and Cambridge. They get \$289 million in an MOU from the health care bill we did. In the 2009 budget they receive another \$169 million and in another section another \$52 million to BMC. This supplemental budget another \$64 million goes to BMC. A lot of other hospitals, you have them in your districts. They have been struggling. In my community, we had to close an entire wing. We have Milford, Bay State, Lowell General, Brockton Hospital - they have to fight for grants to the tune of \$28.7 million. It got vetoed down to \$25 million. It's 35 hospitals fighting over \$25 million and this one hospital is getting \$64 million on top of 289 and 160 and the 52 million. For those of you concerned about local hospitals, we could take \$32 million and put it into this fund to assist the hospitals who would apply for grants. It is a fair compromise. BMC and Cambridge do a lot but there is a matter of fairness here.

Rep. Petrolati wished Rep. Rushing a happy birthday.

Rep. Evangelidis of Holden said be aware of something going on here. I got tuned into this by reading an article in State House News last week. They talked about what is going on. BMC and Cambridge are the exclusive and primary beneficiaries of hundreds and hundreds of millions of dollars. The problem for me is my constituents don't live on those towns and don't use those hospitals. They are special interest groups with a stranglehold on this Legislature. This takes money and distributes it across the state. If you vote against this amendment, you are saying no, I want the money to stay in Boston and in Cambridge. There are hundreds of millions of dollars at stake here that we may not see. The federal government is asking what is going on here.

Rep. Bosley said he could not hear. Time was 7:45 pm.

Rep. Evangelidis said we passed a reform bill we were told would reduce the need for the free care pool and these two hospitals come back for hundreds and hundreds of millions of dollars and I say what about the people in need in Worcester, and Springfield, and Fall River and Lawrence. No we are going to take care of the two most politically connected hospitals. This amendment steps back and says we are going to give everyone a little bit. We can't keep doing business as usual.

Rep. Casey of Winchester said I feel so alone at the lectern. I decided to speak from here (the second division). Every one of you are affected by what's happening tonight. You have the ability to say no to BMC and enough is enough. We are told time and time again that we are going to jeopardize federal money. Ladies and gentleman wake up. The federal waiver is in jeopardy. It's because we keep allocating money to these institutions. It's the community hospitals that have to stand up and say no. Look at this issue with extra eyes. We are cutting the trust and losing money. Take this moment and step up and vote for the community hospitals. It's over a billion in the last four years. Enough is enough. Pass the amendment.

Rep. Petrolati opened the roll call at 7:50 pm. Speaker DiMasi joined Rep. Petrolati on the rostrum.

**BY A ROLL CALL VOTE OF 55-97, AMENDMENT REJECTED**

**CASEY AMENDMENT:** Casey offered amendment 32. There was no objection to not reading it.

Rep. Walrath said point of order, the amendment is improperly before the House because it inserts language in the bill that was rejected by the previous vote.

Rep. Petrolati said point of order well taken. Amendment laid aside.

**CALLAHAN AMENDMENT:** Callahan amendment 29 offered, \$150,000 for Caryville Mill Senior Housing Program.

Rep. Callahan said this amendment I filed because we are trying to remedy restored items and make technical corrections. This is a technical correction to an oversight. We were told that fiscal restraint was to

observed but that earmarks in previous budgets would be held harmless. One of my earmarks was left out and I was told it would be taken care of and it wasn't. Others got in and mine didn't. Interesting. This is a proper vehicle to restore that. Some argue this is a pre-conferenced budget. We just voted to reduce gun fees. This was in last year's budget and my senator supports it.

Rep. Spellane asked the clerk to read the amendment. He did.

Rep. Callahan said I know why that question was asked. I took the same language in the budget this year in initially filing this amendment. I was told by leadership that if I needed to reduce this I could file a secondary amendment for \$100,000. I can offer a further amendment or have someone else do it.

Rep. Callahan requested a vote by a call of the yeas and nays. There was support.

Rep. St. Fleur said, I thank all of us in the chamber. All of us can appreciate having something in the budget and having something not making it. We've often had to say no to individual requests for specific districts. Many of you have taken this particular position and have not prevailed. How many of you put in five and did not get all five? How many of you put in two and perhaps got one? That is the nature of the business that we're in. The lady from Sutton had 16 amendments. And of those 16, at least six of them were embraced by the member of this House. Three of those that were embraced were statewide issues. It would be great if we could do everything. But we cannot. In this instance, the request has been denied, as have been 30 other amendments. When you take a vote on this matter, I ask that you vote not on this amendment because there has been a precedent set here. It is to keep that particular vehicle moving. I would love some personal district amendments myself. But we have to restrain ourselves.

At 8:15 PM, BY A ROLL CALL VOTE OF 6-145, AMENDMENT NOT ADOPTED

CASEY AMENDMENT: Rep. Casey offered an amendment. There was no objection to dispensing with the reading of the amendment.

Rep. Casey said, Oh, Mr. Speaker, let's get it out of the way.

Rep. Casey requested that a vote be taken by a call of the yeas and nays. There was support.

Rep. Casey said, Mr. Speaker, I want to assure you that I was not going to speak on this very amendment if you would approve it, but since it will not be read in the affirmative, here I am. My same amendment was moved out of order. I was stunned that such a well-thought, creative amendment would be ruled out of order.

Rep. Casey yielded to Rep. Hynes.

Rep. Hynes said, The amendment before us would strike section 28, at least in part. This is a very important issue if you've read the heritage paper on this matter. According to that paper, there is great concern about the funding, the payments that were made in 2007 to these two hospitals. According to that paper, there is a question by the federal government of \$102 million of costs charged by these hospitals that the federal government cannot substantiate. That \$102 million is shared by the federal government and the state. The federal government has refused to pay its share. That now is the subject of a legal claim. The question comes, if we have already appropriated the \$180 million that is due these two hospitals and now we have a supplemental asking an additional \$64 million and we are being told this is already paid, has there been any survey of the costs charged by these hospitals? Is there any sense as to whether this \$64 million can be substantiated? Are we just going to go ahead and pay it? Underlying this issue is the waiver. The 2006 health care reform initiative was in part to get away from paying these institutions and subsidize the insurance of low-income people. We said we'd transition and we'd pay to these institutions \$200 millions in 2007, \$180 million in 2008, and \$160 million 2009. Are we honoring the principle of paying these institutions? Why are these charges up if uncompensated care is down? Why not use the \$64 million to backfill the \$153 million, which we need to fill to pay for the overrun because of increases in low income people being insured? These are all being explored by the federal government. Are we absolutely assured that if this \$64 million is appropriate, the federal government won't come along and say we can't substantiate these costs are necessary? If we don't say no to these institutions at some time, aren't we undermining the basic principle of the waiver? Instead of transferring these monies from institutions, we

are considering to subsidize institutions with money we don't have.

Rep. Casey said, This makes perfect sense. The gentleman makes a great argument. By this very funding, we could be jeopardizing the waiver. The feds want us to better govern and get away from these institutions. We're not doing that here. We're paying off institutions that are challenged by the feds already. It will be denied because we have gone away from the original intent of building a better system. The gentleman from Marshfield makes an excellent point. We lost the last round. I would have just accepted it if we passed this to end the funny money games of paying these two institutions who have received in excess of \$300 million this year alone. I'm saying let's make it half of \$64 million. That would ensure we could fully comply. By fully complying with computerized systems, we are approving something the feds like. The feds will reward us on this. More hospitals will be fulfilling the mission they set out for the state, to use money more wisely. I mentioned earlier that I felt like Maximum in Gladiator. Fighting for this is worth the fight. Although the odds are insurmountable, I ask each and every one of you to join me. Don't look upon the feds as an insurmountable battle. Let's get together and say that enough is enough. Let's send a message that we can and will comply in a better way. I urge the members to support this amendment.

Rep. Walrath said, This amendment sounds different but it has the same problems that the first amendment had. As I mentioned, the first time around, the only thing we were asking for was for it to be spent out of different funds so we could get a federal match. With regard to the Heritage Foundation, the waiver that we got two years, going on three years now, approved these supplemental payments for Boston and Cambridge but also UMass. We expect the \$64 million, even though the gentleman is asking for \$32 million. That \$32 million is all state money.

Rep. Walrath yielded to Rep. Hynes.

Rep. Hynes said, She indicated we have already spent \$64 million. Is this \$64 million on top of \$180 million already authorized for 2008?

Rep. Walrath said, The money has been spent. It's been spent for the MCOs. There's the supplemental payments and the NCO payments. Moneys that went to Cambridge and Boston, there is other money as well. IGT money has been reduced somewhat as well. If we pass this amendment we are jeopardizing the negotiations.

Rep. Walrath yielded to Rep. Hynes.

Rep. Hynes said, We just don't know how much these hospitals are spending. It is likely they're spending more than \$200 million. Could these institutions substantiate \$102 million in Section 122 payments which exceeded costs. Last year, when there was a review of their costs, were they able to substantiate the \$102 million in question resulting in the federal government not paying that \$51 million?

Rep. Walrath said, If these hospitals could not substantiate the payments, they would have to pay the money back.

Rep. Walrath yielded to Rep. Hynes.

Rep. Hynes said, What happens in the evaluation in 2007 is the federal government says, we're not going to pay you our share. The state is saying, if it shakes out later, we'll recapture that money. I can't understand that with that hanging out there, why we would allow these hospitals to overrun the costs this year

Rep. Walrath said, I'm not sure I understand the question. I know there have been some arguments from the Heritage Foundation whether they should have given the waiver, but in fact they did give the waiver. The waiver allowed us to spend in a creative way that we may not have originally. Massachusetts has certainly been able to do that. I can't speak to what has gone on with current negotiations. We are certainly trying to get more money. We're looking to get between \$600 and \$700 million per year for this next waiver.

BY A ROLL CALL VOTE OF 28-126, AMENDMENT NOT ADOPTED

The bill was engrossed. Rep. Jones doubted the vote and requested a vote by a call of the yeas and nays. There was support.

ANNOUNCEMENT: Rep. Donato asked members to remain in the chamber for four additional roll calls:

BY A ROLL CALL VOTE OF 132-21, BILL ENGROSSED

WEST BOYLSTON LAND: Question came on enacting H 4120 authorizing the town of West Boylston to convey certain land.

BY A ROLL CALL VOTE OF 156-0, BILL ENACTED

CHILMARK PROPERTY: Question came on enacting H 4559 relative to certain property in the town of Chilmark.

BY A ROLL CALL VOTE OF 156-0, BILL ENACTED

RULE 1A: Question came on suspending Rule 1A, allowing the House to meet until midnight.

BY A ROLL CALL VOTE OF 130-26, RULE SUSPENDED

ANNOUNCEMENT: Rep. Donato reminded members to remain in the chamber for two more roll calls.

WALTHAM LAND: Question came on enacting H 5015 relative to leasing certain property in the city of Waltham.

BY A ROLL CALL VOTE OF 154-0, BILL ENACTED

TURNER FALLS: Question came on enacting H 5020 providing for the merger of the Turners Falls Fire District and the Lake Pleasant Water Supply District.

BY A ROLL CALL VOTE OF 156-0, BILL ENACTED

NATICK PROPERTY: The House enacted H 4806 authorizing the Commissioner of DCAM to lease property to the town of Natick.

SHEET METAL WORKERS: The House enacted H 4804 relative to the licensing of sheet metal workers.

JOINT LABOR: With approval from the Committee on Ways and Means, the House ordered to third reading S 1095 relative to the joint labor management committee.

CHARLESTOWN PORT: The House engrossed H 4992 relative to Charlestown's designated port area.

SOMERVILLE LAND: The House engrossed S 2705 authorizing the commissioner of Capital Asset Management and Maintenance to make certain conveyances to the city of Somerville.

MEDFIELD STATE HOSPITAL: The House concurred with a Senate amendment to H 4214 providing for the disposition of certain property at Medfield State Hospital.

HIGHER EDUCATION BOND: Question came on engrossing S 2785 promoting for the public higher education capital improvement needs of the Commonwealth.

HUMASON AMENDMENT: Rep. Humason offered an amendment increasing a provision in line item 7066-8000 from \$23,489,597 to \$33 million.

The amendment was adopted.

Rep. Murphy said, I rise in support of the higher education bond bill. I'd like to thank Speaker DiMasi and chairman DeLeo for moving this bill forward. The bill authorizes over \$2.1 billion in bonds for our state and community colleges and UMass. Over \$1.1 billion go to the state and community colleges. The bill provides funds for every higher education institution in the state. Capital needs are over \$6 billion. Many of our higher education institutions are teaching deteriorating classrooms. Projects earmarked in the bill were identified as part of a comprehensive planning process in conjunction with DCAM and the board of higher education. I believe this investment pays dividends for our students and for the economic health and success of our commonwealth. I respectfully ask for you vote.

Rep. Murphy requested a vote on engrossment be taken by a call of the yeas and nays. There was support.

POIRIER AMENDMENT: Rep. Poirier offered an amendment a provision in line item 7066-8000 from \$3.2 million to \$4.5 million.

The amendment was adopted.

GUESTS: The chair introduced various guests of Rep. Kennedy.

RODRIGUES AMENDMENT: Rep. Rodrigues offered an amendment earmarking \$12 million for a new addition to the Charlton College of Business at UMass Dartmouth.

The amendment was adopted.

WALSH AMENDMENT: Rep. S. Walsh offered an amendment.

The amendment was adopted.

SANNICANDRO AMENDMENT: Rep. Sannicandro offered an amendment.

The amendment was adopted.

CABRAL AMENDMENT: Rep. Cabral offered an amendment earmarking \$1 million for the Portuguese American Archives at UMass Dartmouth.

The amendment was adopted.

CABRAL AMENDMENT #2: Rep. Cabral offered an amendment earmarking \$500,000 for the extension, retrofitting or renovation of the Center for Portuguese Studies at UMass Dartmouth.

The amendment was adopted.

CABRAL AMENDMENT #3: Rep. Cabral offered an amendment earmarking \$1 million for the Portuguese American Archives at UMass Dartmouth.

The chair considered no action taken on the previous amendment. Rep. Cabral withdrew the amendment.

At 9:22, House entered a brief recess.

SHREWSBURY LAND: At 9:32, the House ordered to third reading H 5032 relative to land preservation in the town of Shrewsbury.

BACK TO HIGHER ED BOND: At 9:38 pm, question came on engrossing S 2785 promoting for the public higher education capital improvement needs of the Commonwealth.

TORRISI AMENDMENT: Rep. Torrasi offered an amendment increasing a provision in line item 7066-

8000 from \$21,718,123 to \$31,718,123.

The amendment was adopted.

**DELEO AMENDMENT:** Rep. DeLeo offered an amendment. There was no objection to dispensing with the reading of the amendment.

The amendment was adopted.

**ENGROSSMENT:** Question came on engrossing the bill.

At 9:44 PM, BY A ROLL CALL VOTE OF 155-0, BILL ENGROSSED

**ANNOUNCEMENT:** Rep. Donato announced that tomorrow will be a full formal session at 11 am. There will be roll calls at 1 pm. Lunch will be served in the members lounge. Tomorrow, we should anticipate doing green jobs, land takings, perhaps some conference committee reports, possible vetoes and dinner will be served at 5 pm. There will be no further roll calls this evening.

**DROPOUT PREVENTION:** The House adopted a Ways and Means amendment substituting a new text for S 2766 improving dropout prevention and graduation rates.

The bill was ordered to a third reading.

**WESTWOOD ALCOHOL LICENSE:** The house ordered to third reading H 4832 authorizing the town of Westwood to grant an alcohol license to a food store.

**FAIRHAVEN ALCOHOL LICENSE:** The House ordered to third reading H 4898 Authorizing the town of Fairhaven to issue a common victualer beer and wine license to Jevon K. Malcom, owner, and Lis M. Malcom, manager, of Jevon Enterprises.

**ARLINGTON ALCOHOL LICENSES:** The House ordered to third reading H 4938 relative to alcoholic beverage licenses in the town of Arlington.

**NORTHBOROUGH ALCOHOL LICENSES:** The House ordered to third reading H 4937 authorizing Northborough to grant additional alcoholic beverage licenses.

**JOINT LABOR:** The House engrossed S 1095 relative to the joint labor and management committee.

**MIDDLEBOROUGH LAND:** Authorizing the town of Middleborough to use a portion of town owned land for purposes other than storage.

**LANESBOROUGH ELECTION:** The House engrossed H 4250 validating the action taken in the annual town election in the town of Lanesborough

**LUNENBERG AGREEMENT:** The House adopted a Bills in Third Reading report discharging H 4543 Relative to the intermunicipal agreement and betterment assessment in the town of Lunenburg.

Rep. Eldridge offered an amendment substituting a new text. The amendment was adopted. The bill was engrossed.

**DISTRICT COURT CLERKS:** The House engrossed S 1004 relative to district court clerks.

**NO DISCHARGE AREAS:** The House engrossed H 4805 relative to discharging sewage from marine vessels into the waters of the commonwealth designated as no discharge areas.

**EASTHAMPTON RESTRICTION:** The House engrossed S 42 authorizing the partial release of certain land in Easthampton from an agricultural restriction.

**DUDLEY RESTRICTION:** The House engrossed S 46 releasing certain land in Dudley from the operating of an agricultural preservation restriction.

**BELCHERTOWN EASEMENT:** The House engrossed S 2355 authorizing DCAM to grant a sewer easement in certain land in the town of Belchertown.

**WHITMAN LEASE:** The House engrossed S 2474 relative to the use of a certain building in the town of Whitman.

**GARDNER LAND:** The House engrossed S 2696 relative to the leasing of a certain parcel of land in the town of Gardner.

**DUDLEY ELECTION:** The House engrossed H 3971 validating the actions taken at an annual election in the town of Dudley.

**ORANGE FIREARMS FUND:** The House adopted a Bills in Third Reading report amending H 4278 authorizing the town of Orange to establish a firearms licensing fund.

The bill was engrossed.

**ARCHITECTS:** The House engrossed H 4803 designating architect emeritus status.

**MEDWAY ELECTION:** The House engrossed H 4545 validating a certain election in the town of Medway

The House engrossed S 2769 Authorizing the sale of alcoholic beverages on golf courses

**ANIMAL CRUELTY:** The House adopted a Bills in Third Reading report recommending that H 1529 be consolidated with H 1527 relative to animal fighting or cruelty. The report was adopted.

The bill was engrossed.

**SICK LEAVE BANK:** The House adopted a Bills in Third reading reporting to H 4771 establishing a sick leave bank for David Catanzaro, an employee of the Trial Court.

The House concurred with a Senate amendment to the bill.

**PLAINFIELD LAND:** The House concurred with a Senate amendment to H 4474 relative to conveying land from the town of Plainfield to the Plainfield Congregational Church.

**RECESSES:** The House recessed at 10:15 pm to return Wednesday at 11 am.

-- END --  
07/29/08

**DISCLAIMER:** Bill texts and histories are available at [www.state.ma.us/legis/legis.htm](http://www.state.ma.us/legis/legis.htm). All votes are voice votes, unless otherwise noted. Bills ordered to third reading have been given initial approval. To engross a bill is to pass it and send it to the other branch. The last of three votes taken on bills that reach the governor's desk is the vote on enactment. So, it's third reading (initial approval), engrossment (passage) and enactment. The News Service coverage of legislative debate is an accurate summary of remarks, not a verbatim transcript.

[SHNS Home Page](#)

HOUSE SESSION - PART 2 - THURSDAY, JULY 31, 2008

DAIRY FARMS: Question came on concurring with a Senate amendment to S 2743 relative to the preservation of dairy farms. The clerk dispensed with the reading of the amendment and the House concurred with the amendment.

OVERRIDE - EUGENE LOVELY FIELD: Question came on overriding the governor's veto of 2820-0100. The governor reduced the item by \$300,000 to \$29,401,754.

BY A ROLL CALL VOTE OF 138-19, VETO OVERRIDDEN. The time was 7:44 pm.

OVERRIDE - METROZOOS: Question came on overriding the governor's veto of 7007-0951. The governor reduced the item by \$300,000 to \$6,850,000.

BY A ROLL CALL VOTE OF 136-19, VETO OVERRIDDEN.

CHARLESTOWN PORT: The House enacted H 4992 relative to Charlestown's designated port area.

PENSION SYSTEM: By standing vote of 55-0, the House adopted an emergency preamble to H 4959 relative to the Commonwealth's pension system.

WESTPORT LAND: By a standing vote of 48-0, the House attached an emergency preamble to H 4949 authorizing and directing the Commissioner of Capital Asset Management and Maintenance to convey certain land in the town of Westport.

GREAT BARRINGTON PROPERTY: By a standing vote of 41-0, the House attached an emergency preamble to H 5010 authorizing the Commissioner of Capital Asset Management and Maintenance to lease certain property in the town of Great Barrington.

BLACKSTONE EASEMENT: With Speaker DiMasi in the chair, the House engrossed S 45 authorizing the conveyance of an easement over certain conservation and recreation lands in the town of Blackstone.

NORTH RAYNHAM WATER DISTRICT: The House engrossed S 2736 relative to the North Raynham Water District.

SCHOOL DISTRICT ACCOUNTABILITY: The House concurred with a Senate amendment to H 4967 relative to school district accountability.

MIDDLEBOROUGH LAND: The House concurred with the Senate amendment on S 1188 to authorize the town of Middleborough to convey town-owned conservation land in exchange for other land to be used as conservation and recreation land.

IRAN INVESTMENT: Question came on H 4970 protect the Massachusetts pension fund from the risk of



investment in Iran.

The chair said, Members please take their seats.

Rep. Cabral said, I rise in support of this bill. Back in 2006, I was home reading the newspaper and came across the article talking about a conference that was taking place in Tehran. The conference was sponsored by the Foreign Ministry of Iran and they invited all sorts of people to this conference. This conference was a meeting of Holocaust deniers, sponsored by the Foreign Ministry of Iran. As I was reading this, quite frankly, I was somewhat outraged and I couldn't believe what I was reading. That there was a regime that to this day is in denial of the Holocaust taking place. I was really, really surprised that something of that nature would take place in 2006 and the world would not react. At least the western world would not react. What can we do here in Massachusetts and in the United States? The list of invitees was quite interesting. There were some Americans were invited. One of them was the Imperial Wizard of the KKK, David Duke of Louisiana. Imagine, here we are in 2006 and we have a conference sponsored by a foreign ministry of a country, of a government. I really felt insulted and I felt for the victims of the Holocaust. That was my primary motivation. When I came to the office, I sat down with my staff and I said how are we going to begin a legislative process that we will say that regime, you can believe that if you want, but we are not going to invest our dollars, our pension money, in companies that invest in that regime. That was my primary motivation. Mr. Speaker, Massachusetts has a proud tradition of precisely debating influential pieces of legislation. We still have on the books today divestment from South Africa, northern Ireland. As recently as last year, one on Sudan. In Massachusetts, we have that tradition of activism, because when you read that kind of material, that kind of article, the conclusion is that regime is not living in the real world. History tells us that the best way to deprive a regime of that nature is to deprive them of the hard cash that we get. That is the reason we filed the bill that we filed. Very focused, very narrow. Because the objective is to target the hard currency that this regime gets its hands on to do the subtle things that it does. Starting with its own people. This is a regime that if you are gay, just for the simple fact that you are gay, you get executed. Just because of that. That's why the reason the president of the government of Iran in his recent visit that they didn't have a gay community. The list goes on. This regime does not have the respect for the civil rights of its own people. This bill, this legislation asks the state pension fund to divest from foreign companies, 12 to 20 of them, because American companies can no longer invest in Iran. We are asking PRIM to divest from the foreign oil and natural gas companies that continue to invest in Iran. They can continue if they want, but it shouldn't be with our money. I ask the pension fund to take 400 million from those companies and place in our own companies. The list of the foreign companies you probably already know. It goes from China Petroleum to Russian companies and others. I want you to understand 80 percent of the hard cash gets their hands on comes from the oil and natural gas industry. And what do they use that money for? To support all kinds of violent activities throughout the world. The other important aspect of targeting this sector only is because without the foreign expertise of those foreign oil and gas companies, the national Iranian oil company, which is owned by the government, by the way, they could not continue to explore and continue to reap the benefits of those oil fields. That is the other aspect other than the hard cash. Any other company doing business with Iran, food products, we can and will continue to invest, because those kinds of activities touch us and the people of Iran, who are struggling under a regime that uses its cash, hard cash, instead of investing in its own people, it's investing in what some call terrorist activities or activities that destabilize the region and the world. That's the opportunity we have here. We've done this before. I hope this bill passes to be engrossed.

**SIMULCASTING:** With Rep. Harkins in the chair, the House enacted S 2721 extending simulcasting of horse and greyhound racing.

**TRANSPORTATION BOND BILL:** Question came on enacting H 5039 financing improvements to the Commonwealth's transportation system.

**BY A ROLL CALL VOTE OF 156-0, THE BILL IS ENACTED.**

MASS MILITARY RESERVATION: The House engrossed S. 2760 establishing the Massachusetts Military Reservation Fire Department

IRAN INVESTMENT: The House returned to debate on H 4970 protecting the Massachusetts pension fund from the risk of investment in Iran.

MURPHY AMENDMENT: Question came on a Rep. Murphy amendment which inserted new text.

Rep. Murphy said, I ask when a vote be taken on this matter, it be taken by a call of the yeas and nays.

There was support.

Rep. Murphy said, The goal of this is to make foreign companies choose between the market and investment in Iran. Foreign companies would be persuaded by a targeted company, it leaves one less company propping up the economy of these rogue regimes. It increases pressure on other companies to do the same and feeding the cycle. That is the theory. But there is a right way and wrong way. I firmly believe this is the wrong way to go around this issue and there is a better way. The Iran bill is not new legislation. It originated last year and has been pushed from state to state with small tweaks. And here it is in Massachusetts. To date, 40 states have passed some form of divestment. We cannot pass this bill without first analyzing it. The bill has a small scope. The fact is that this bill does not fully extricate the Commonwealth of Massachusetts. In reality, this would require the Commonwealth to divest from a mere 19 petroleum companies. Consider now that nearly 300 companies do business with Iran, including defense contractors, electronic companies and telecom firms. By failing to target these companies, business with Iran still remains a lucrative proposition. Iran continues to build up its infrastructure in these economic sectors, which could lead to military applications. This legislation does not even require the state to fully divest from those companies. This bill exempts the PRIT fund from passive investment. This sends mixed messages to the corporate community and your constituents. What is more, Iran is clearly not the only state sponsor of terrorism. According to a Congressional report, 90 percent of the foreign fighters entering Iraq come through Syria. Nearly all of the countries doing business with Syria do business in Iran. If we divest from Iran, we could just as easily divest from Syria with no additional effects on our portfolio. Over 10 states have implemented the old bill, but there is no Iran-free index on the market. The old, limited divestment model is now out of date. The creation of terror-free indexes would allow Massachusetts to divest in a way that makes fiscal sense, unlike this legislation. We have a choice here today. Do we want to be one of the last states to pass an outdated bill with no impact or the first state to pass innovative legislation that is already taking root in the private sector? I understand that this is an esoteric debate, full of jargon. Consider the prior point that American institutional investors, like hedge funds, control trillions of dollars. We have an opportunity to set the market and send a message to the investment community. Iran is not the only terrorist nation. Think about what is going on in the headlines, what's going in Syria and North Korea. If we're going to divest, divest in all of the terrorist nations, not just one. I appreciate the gentleman from New Bedford's passion on this. But this legislation we're debating today is simply not the way to go forward. In 1984, we were the first state to divest from South Africa. Massachusetts was a leader then and it can be a leader then.

Rep. Toomey said, I rise in support of this bill and in opposition of this amendment. Some of you may be asking why we are discussing international issues? Believe me when I say in Cambridge we discuss international issues on a weekly basis. Our state can no longer afford to invest public pension funds in Iran. Divestment is one of the more effective strategies. It is time for Massachusetts to join the growing effort to send a strong economic message. Now is not the time to expand the scope of the legislation. Such an

expansion deserves to move through the full public hearing process. I hope that my colleagues will join me in support of this bill and in opposition to this amendment.

Rep. Kaufman said, I share the gentleman from Lowell's focus on the issues he raised, but draw the opposite conclusion from the same data. You recall we were debating recently the genocide in Darfur. In anticipation of that debate, my committee investigated divestment strategies and articulated criteria. We recommended to you then and now that this is a very powerful instrument that should be used with surgical precision, with a targeted set of companies and a specific set of intended results. The proposal from the gentleman from New Bedford meets those criteria.

Rep. Rushing asked a question from his seat.

Rep. Kaufman said, Perhaps I don't understand the gentleman's question but that is precisely the point I made. The government of Iran is pursuing a nuclear program and that is why targeted. We are doing exactly what I suggested was the targeted objective. Let me speak to the issue of whether this serves our national interest or not. We are following the lead of 15 other states that have taken action before us. We have a letter from our Congressional delegation. We have statements of leadership from both presidential candidates identifying the emerging nuclear program as one of the greatest threat to our national security. What we are targeting is 20 companies. We know the history of the Iran nuclear program, we know its funding. The bill is designed to impact, the extent that we can, Iran's evil intent. I hope a vote is taken in the affirmative.

BY A ROLL CALL VOTE OF 55-97, THE AMENDMENT WAS REJECTED. The time was 8:55 pm.

RULE 1A: At 8:56 pm, question came on suspending rule 1A to meet beyond 9 pm and until midnight.

BY A ROLL CALL VOTE OF 130-23, RULE 1A SUSPENDED.

HIGHER ED BOND BILL: By a standing vote of 56-0, the House attached an emergency preamble to 2785 higher education bond.

PENSION SYSTEM: The House enacted H 4959 relative to the Commonwealth's pension system.

RETURN TO IRAN DEBATE: The chair said, Sixteen minutes remain in the debate on H 4970 protecting the Massachusetts pension fund from the risk of investment in Iran.

Several members voted late on roll calls.

PROVOST AMENDMENT: Question came on a Rep. Provost amendment.

Rep. Provost said, I rise this evening in opposition to the bill which is before us and in support of my amendment. This amendment will reduce the baleful effects of divesting from Iran. We all know that Iran is a rogue nation. We haven't answered what the appropriate course of action and who should be making that decision. We would be very wise here if we did not overreact to the emotions we have to some of the rhetoric and behavior about what comes out of Iran. The United States has imposed divestment from Iran

since 1979 with little impact. The Wall Street Journal wrote about a report calling the effects of any sanctions on Iran debatable because it exports lots of oil.

Rep. Provost yielded to Rep. Rushing.

Rep. Rushing said, I rise because I am going to vote no on the main question. I know that for many of you, you are aware of the work that I've done throughout my entire career around human rights and urging this House and this Legislature and this commonwealth to engage in human rights advocacy in this world. I came here in 1983, the year I was elected. The year before I came here, this Legislature voted to divest its pension funds from South Africa. We were one of the first states to do that. We did not do that until late in that session because the governor vetoed that bill. It was my privilege to spend the next several years ensuring that that divestment did take place in this state. We passed legislation on Burma soon after and Northern Ireland. In all of those cases we were expressing our concerns about human rights in those countries. We crafted our legislation specifically to the needs of those countries. In all of those cases, we had people on the ground in those countries and active exiles in those countries who supported what we did. If you went to South Africa in 1984, there were activists on the ground opposed to apartheid, working to end apartheid, who supported what was happening in this country to end apartheid through divestment. South Africa, two years after we passed out divestment law, made it illegal to advocate for divestment. What is missing here are those three key criteria — a clear human rights violation inside the country, a clear specific version of what that pressure should be, and support from the ground in those countries for what we were doing. This bill speaks only about terrorism. It does not speak to human rights on the ground in Iran. If Iran continued to execute homosexuals or oppress women, this bill would still end. It is only about terrorism. If the issue that you want to engage is terrorism, then the gentleman from Lowell's amendment was correct. What we have before us is a bill to attempt to have an effect on terrorism in one country. The bill itself says nothing about human rights violations. For those reasons, I cannot support this legislation. I cannot support this bill. For those reasons and for the fact that we are part of a Legislature that supported anti-Apartheid, the end of discrimination in Northern Ireland and supports democracy in Burma.

Rep. Rushing did not yield to Rep. Cabral.

Rep. Rushing said, I urge you not to vote for this bill. I urge that when we take this step, we don't abandon the people we promise to help before.

Time for debate expired.

The amendment was not adopted.

Question came on engrossing the bill. The bill was engrossed.

Rep. Peterson doubted the vote and requested a vote by a call of the yeas and nays. There was support.

BY A ROLL CALL VOTE OF 125-27, BILL ENGROSSED AT 9:24 PM

Reps. St. Fleur, Conroy, Peisch and Linsky voted present.

GLOBAL WARMING SOLUTIONS: At 9:25 pm, The House enacted S 2540 establishing a global warming solutions act.

MACHESTER LAND: The House engrossed S 2862 authorizing the transfer of land in Manchester by the Sea.

HIGHER EDUCATION BOND: Question came on enacting S 2785 providing for the public higher education capital improvement needs of the commonwealth.

The speaker entered the chamber at 9:32

BY A ROLL CALL VOTE OF 150-0, BILL ENACTED AT 9:33 PM

HAVERHILL LAND: Question came on enacting H 4890 authorizing the sale of certain land by the city of Haverhill in the town of Boxford.

Speaker DiMasi took the gavel at 9:38 PM

BY A ROLL CALL VOTE OF 153-0, BILL ENACTED

NORTH ANDOVER RESTRICTION: The House ordered to third reading S 2762 modifying a conservation restriction in the town of North Andover.

CAMPUS POLICE RECORDS: The House ordered to third reading S 2657 providing for the public inspection of law enforcement records kept by special state police officers.

OVERRIDE - NEW ENGLAND BOARD OF HIGHER EDUCATION: Question came on overriding the governor's veto of 7066-0009. The governor reduced the item by \$100,000 to \$367,500.

Rep. Donato took the chair at 9:45 pm.

BY A ROLL CALL VOTE OF 134-21, VETO OVERRIDDEN

ANNOUNCEMENT: Rep. Donato said there will be 10 consecutive roll calls in two-minute intervals. Members are not asked to leave the chamber. Court officers will lock the doors. Members began booing loudly. Rep. Donato repeated his call to lock the doors. Members booed louder.

OVERRIDE – TUFTS VETERINARY: Question came on overriding the governor's veto of 7077-0023. The governor reduced the item by \$200,000 to \$5,325,000.

BY A ROLL CALL VOTE OF 138-18, VETO OVERRIDDEN AT 9:52 PM

OVERRIDE – HEALTH CARE FINANCE AND POLICY: Question came on overriding the governor's veto of 4100-0060. The governor reduced the item by \$500,000 to \$17,013,039.

BY A ROLL CALL VOTE OF 133-24, VETO OVERRIDDEN

OVERRIDE – YOUTH-BUILD GRANTS: Question came on overriding the governor's veto of 7061-. The governor reduced the item by \$250,000 to \$2,520,500.

BY A ROLL CALL VOTE OF 138-18, VETO OVERRIDDEN

OVERRIDE – BULLYING PREVENTION: At 10 pm, question came on overriding the governor's veto of 7061-9805. The governor reduced the item by \$250,000 to \$0.

BY A ROLL CALL VOTE OF 140-17, VETO OVERRIDDEN

OVERRIDE – DEPARTMENT OF HIGHER EDUCATION: Question came on overriding the governor's veto of 7066-0000. The governor reduced the item by \$1,000,000 to \$5,512,898.

BY A ROLL CALL VOTE OF 137-21, VETO OVERRIDDEN

**OVERRIDE –COMPTRROLLER OPERATIONS:** Question came on overriding the governor's veto of 1000-0001. The governor struck language governing the office of the comptroller, saying it is unnecessary because the administration will promptly comply with legislative reporting requirements

BY A ROLL CALL VOTE OF 134-24, VETO OVERRIDDEN

**OVERRIDE – MOSQUITO CONTROL BOARD:** Question came on overriding the governor's veto of Section 73. The governor vetoed the section because "it prevents essential reforms instituted by the State Reclamation and Mosquito Control Board to standardize personnel practices by local boards."

BY A ROLL CALL VOTE OF 150-8, VETO OVERRIDDEN

**SICK LEAVE BANK:** The House enacted H 4819 establishing a sick leave bank for Richard Ward, an employee of the Department of Corrections.

**VEHICLE REPAIR:** The House adopted a Ways and Means amendment to H 4556 Relative to the repair of damaged motor vehicles.

The bill was ordered to third reading.

**SCHOOL PRINCIPALS:** The House engrossed S 273 relative to defining school principal's contracts.

**FIREARMS CONFISCATION:** The House adopted a Bills in Third Reading report on S 1401 prohibiting the confiscation of lawfully owned firearms during a state of emergency.

The bill was engrossed.

**SCHOOL DISTRICT ACCOUNTABILITY:** The House concurred with Senate amendments to H 4967 relative to school district accountability.

**BIOMEDICAL RESEARCH:** The House engrossed H 4812 relative to biomedical research.

ACTON LAND: The House engrossed S 38 designating certain land in the towns of Acton and Concord for conservation, agriculture, open space and recreational purposes.

CHILDREN'S MENTAL HEALTH: The House engrossed S 2804 relative to children's mental health.

WESTPORT LAND: Question came on enacting H 4949 authorizing the commissioner of DCAM to convey certain land in the town of Westport.

BY A ROLL CALL VOTE OF 157-1, BILL ENACTED

GREAT BARRINGTON LAND: Question came on H 5010 authorizing the commissioner of DCAM to lease certain land in the town of Great Barrington.

BY A ROLL CALL VOTE OF 157-1, BILL ENACTED

MASSACHUSETTS CONVENTION CENTER AUTHORITY: The House ordered to third reading S 2793 relative to the Massachusetts Convention Center Authority.

SUNDERLAND: Question came on enacting H 5011 providing for partial relief of land in Sunderland from an agricultural preservation restriction.

BY A ROLL CALL VOTE OF 157-0, THE BILL IS ENACTED.

HOLDEN EASEMENT: Question came on enacting S 2794 authorizing the Division of Capital Asset Management and Maintenance to grant an easement in certain land in the town Holden.

BY A ROLL CALL VOTE OF 157-0, THE BILL IS ENACTED.

DEERFIELD RESTRICTION: Question came on enacting H 4779 releasing certain land in the town of Deerfield from the operation of an agricultural preservation restriction.

BY A ROLL CALL VOTE OF 156-0, THE BILL IS ENACTED. The time was 10:47 pm. Speaker DiMasi took the chair. The chamber quieted.



**COST CONTAINMENT CONFERENCE COMMITTEE:** Question came on accepting S 2683 conference committee report on promoting cost containment.

Rep. Walrath said, This is the conference committee on the cost containment bill that we voted on in the House several weeks ago. We're very pleased. This lays the solid foundation for solid cost containment policy. We include a robust hearing process for insurers to testify about the prices they charge. These hearings will focus closely on premium rates. I believe this focus on big picture systems analysis will pave the way toward additional cost containment measures in the future. It establishes an e-health institute to guide and develop a system. We set up a health care workforce center and loan repayment. We require that pharmaceutical medical device adopt the industry's own conduct of conduct and give DPH to oversee the requirement and oversee the disclosure of payments to doctors. There are other provisions, including a medical home pilot program, coordinated care, we require reporting on hospital-acquired infections, and we also institute a ground breaking requirement for an electronic code.

Rep. Rodrigues said, it's difficult for me to come to this podium to vote against this report. It's the first time in my years I've risen for such an occasion. I do so because I think it's very important that we recognize out of all the great gains and work we did on behalf of the life science and biotech industry here in this Legislature, it could be undone by one section contained in this bill, relative to the so-called gift ban. The section that contains it, section 14, goes well beyond what we proposed in the House. What it does is it authorizes DPH to promulgate regulations not less restrictive than the PHARMA code. There's no ceiling. They could promulgate regs that are extremely restrictive to the industry. we're telling the industry we don't trust you to do the right thing. The other bad section is the so-called disclosure provision. Massachusetts is number 2 in the world in the medical device industry. All my competitors would know what I'm working on under this provision. Mr. Speaker, the bill contains so many great components. The gentlelady from Stow did a great job and we did a wonderful job in passing a reasonable gift ban. We would have required all pharmaceutical companies to adopt a code of conduct, post it in a transparent way, had a code compliance officer. I think it made a lot of sense. The section in this bill goes well beyond and goes too far. I'm going to have to ask my colleagues in rejecting this report and sending it back to conference committee.

The conference committee report was accepted.

Rep. Donato took the chair.

**OVERRIDE – TITLE V TAX CREDIT:** Question came on overriding the governor's veto of section 18. The section would extend Title V Tax Credit Carryforward Period to six years. The governor vetoed it because Department of Revenue estimates the cost of the extension would reach \$2.5 million a year.

**BY A ROLL CALL VOTE OF 157-1, VETO OVERRIDDEN.**

**OVERRIDE – LIFE SCIENCES STEM GRANTS:** Question came on overriding the governor's veto of section 90 relative to life sciences STEM grants. The governor vetoed the item saying it inappropriate imposes legislative restrictions on funds that are controlled by the Mass. Life Sciences Center under present law.

Rep. Donato said, There will be four consecutive roll calls. Please stay in the chamber.

BY A ROLL CALL VOTE OF 135-20, VETO OVERRIDDEN.

STATE 911 DEPARTMENT: By a standing vote of 42-0, the House attached an emergency preamble to H 5051 creating a state 911 department, single 911 surcharge and an enhanced 911 fund.

GREEN JOBS: By a standing vote of 52-1, the House attached an emergency preamble to H 5018 relative to green jobs.

TEWKSBURY LEASE: Question came on enacting H 4943 Tewksbury be authorized to lease certain land at the Tewksbury Hospital.

Rep. Donato said, Court officers are instructed to lock the doors.

Members booed loudly.

Rep. Donato laughed and said, Lock the doors!

BY A ROLL CALL VOTE OF 157-1, THE BILL WAS ENACTED.

BLACKSTONE EASEMENT: Question came on enacting S 45 authorizing the conveyance of an easement over certain conservation and recreation lands in the town of Blackstone.

BY A ROLL CALL VOTE OF 156-1, THE BILL WAS ENACTED.

MIDDLEBOROUGH CONVEYANCE: Question came on enacting S 1188 to authorize the town of Middleborough to convey town-owned conservation land in exchange for other land to be used as conservation and recreation land.

Speaker DiMasi took the chair.

BY A ROLL CALL VOTE OF 154-1, THE BILL WAS ENACTED.

ENVIRONMENTAL BOND CONFERENCE COMMITTEE: The House accepted the conference committee report on the environmental bond bill H 5054.

NORTH RAYNHAM WATER DISTRICT: Question came on the S 2736 as amended on relative to the North Raynham Water District.

Rep. D'Amico, carrying a large stick, went up to the board and poked at the

A cheer went up from members.

Rep. D'Amico tapped Rep. Driscoll's light and it did not light up.

Members booed.

Rep. D'Amico then proceeded to the other side of the chamber, with the same results.

BY A ROLL CALL VOTE OF 158-0, THE BILL WAS ENACTED.

TAUNTON SKILLS CENTER: The House ordered to third reading S 53 authorizing the development of a regional education, training and skills center in the city of Taunton.

NORTH ANDOVER RESTRICTION: The House engrossed S 2762 modifying a conservation restriction in the town of North Andover.

WEYMOUTH LAND: The House engrossed S 2734' authorizing the town of Weymouth to transfer certain land.

GREEN JOBS: The House enacted H 5018 relative to green jobs in the commonwealth.

E-911: Question came on enacting H 5051 establishing a state 911 department, single 911 surcharge and enhanced 911 fund. Rep. Jones requested a vote by a call of the yeas and nays. There was support.

BY A ROLL CALL VOTE OF 158-0, BILL ENACTED

VEHICLE REPAIR: The House adopted a Bills in Third Reading report on H 5053 relative to repair of damaged motor vehicles.

Rep. Mariano offered a substitute text. The new text was adopted.

The bill was engrossed.

NATIONAL POPULAR VOTE: Question came on enacting H 4952 relative to the agreement among states to elect the president by the national popular vote.

Rep. DiMasi requested a brief recess.

Rep. Straus said, We're all aware of the clock. It is not my purpose to speak until time runs out. I did want to point out and ask the members to consider the issue before them. I will only raise one issue that did not come up before. Many in the debate who opposed it were subjected to the idea that they were wrong and violating this violated 'one man one vote.' When that issue was presented to the U.S. Supreme Court, the court declined to hear it. We are not amending the constitution. We are avoiding the real fight. No one can predict what will happen in the future. Each election cycle has its own unique circumstances. I understand the effect some may think this will have. But consider this carefully. Avoiding the constitution on the issue of electing the president is dangerous when no one knows what lies ahead. I urge the members not to enact this dangerous proposal. Thank you, Mr. Speaker.

The bill was enacted.

SUPPLEMENTAL BUDGET: By a 44-0 standing vote, the House attached an emergency preamble to H 5022 making appropriations for the fiscal year 2008.

HEALTH CARE COST CONTROL: By a 35-0 standing vote, the House attached an emergency preamble to S 2863 relative to health care cost control.

The House engrossed H 5049 authorizing the release of certain lands.

LIFE INSURANCE: Question came on engrossing S 2818 ensuring consumer protection in life insurance contracts.

Rep. Mariano offered an amendment. The amendment was adopted.

The bill was engrossed.

WORCESTER HEALTHLINK: The House engrossed S 2838 conveying certain property in the city of Worcester to community healthlink, Inc.

SHERBORN PROPERTY: The House engrossed H 5043 authorizing the conveyance of certain property in the town of Sherborn. Time was 11:44 pm.

At 11:45 pm, Rep. Flynn entered the chamber.

SUPPLEMENTAL BUDGET: The House enacted H 5022 making appropriations for the fiscal year 2008.

Rep. Peterson doubted the vote and asked for a call of the yeas and nays. There was support.

There was no objection to taking up a paper during the roll call.

ROSE KENNEDY GREENWAY: The House concurred with Senate amendments H 5013 relative to the Rose Kennedy Greenway conservancy.

AT 11:51 AM, BY A ROLL CALL VOTE OF 132-18, BILL ENACTED

ENVIRONMENTAL BOND: By a standing vote of 65-0, the House attached an emergency preamble to H 5054 providing for improvement of land, parks and clean energy in the commonwealth.

MANCHESTER LAND: Question came on enacting S 2862 transferring land in Manchester by the Sea.

At 11:55 PM, BY A ROLL CALL VOTE OF 156-0, BILL ENACTED

WESTWOOD ALCOHOL LICENSE: The House engrossed H 4832 authorizing the Westwood for a license to sell malt beverages and wine not to be drunk on the premises.

TAUNTON SKILLS CENTER: At 11:57 pm, the House engrossed S 53 authorizing the development of a regional education, training and skills center in the city of Taunton.

ENVIRONMENTAL BOND: Question came on enacting H 5054 providing for the preservation and improvement of land, parks and clean energy.

AT MIDNIGHT, BY A ROLL CALL VOTE OF 153-0, BILL ENACTED

HEALTH CARE COST CONTROL: At midnight, The House enacted S 2863 relative to health care cost control.

MIDNIGHT ELAPSES: As the session expired, members remained in the chamber, with members of leadership, and minority leaders gathered at the rostrum with the speaker. At 12:11 am, Speaker DiMasi was on the phone. Other representatives conversed in the well, awaiting word of any of their bills that might emerge at the last minute.

ROSE KENNEDY GREENWAY: By a standing vote of 65-0 the House attached an emergency preamble to H 5013 relative to the Rose Kennedy Greenway conservancy.

WEYMOUTH TRANSFER: Question came on enacting S 2734 authorize the town of Weymouth to transfer certain water supply land.

BY A ROLL CALL VOTE OF 158-0, BILL ENACTED

Reps. Rogeness and Walrath embraced as the last formal session of their long legislative careers wound down.

MILITARY FIRE DEPARTMENT: By a standing vote of 55-0, the House attached an emergency preamble to S 2760 establishing military reservation fire department.

ANNOUNCEMENT: Rep. DiMasi announced that there are three matters left. There is the general government bond bill including amendments for the requirements of bonding of the Turnpike Authority. There is an enactment on the greenway, which requires a roll call. And the ATV bill, which we will take up right now. There are a couple of land takings that have been lost in between the House and Senate and need a roll call.

NORTH ANDOVER RESTRICTION: Question came on enacting S 2762 modifying a conservation restriction in the town of North Andover.

BY A ROLL CALL VOTE OF 154-0, BILL ENACTED

ROSE KENNEDY GREENWAY: Question came on enacting H 5013 relative to the Rose Kennedy Greenway conservancy.

BY A ROLL CALL VOTE OF 136-21, BILL ENACTED

ATV REGULATION: With Ways and Means approval, question came on ordering to third reading S 2772 relative to the regulation of snow and recreation vehicles.

Rep. Gobi offered an amendment.

There was no objection to considering no action taken on the matter.

DSS EMPLOYEES: The House adopted a Ways and Means substitute text for H 2798 relative to the retirement benefits of certain employees of DSS.

The bill was ordered to a third reading.

NORTH ADAMS LAND: Question came on enacting H 4585 authorizing the city of North Adams to convey a certain parcel of land.

BY A ROLL CALL VOTE OF 156-0, BILL ENACTED

WORCESTER PROPERTY: Question came on enacting S 2838 conveying certain property in the city of Worcester.

BY A ROLL CALL VOTE OF 155-0, BILL ENACTED

GENERAL GOVERNMENT BOND: At 12:42 am, the House accepted a conference committee report H 5016 providing for capital facilities.

IDENTITY THEFT: The House adopted a Bills in Third reading report for H 4930 relative to identity theft.

The bill was engrossed.

Members paced around the chamber as the clock struck 1 am. Several dozed off at their seats and others had exited the chamber. A handful of lobbyists remained in the public gallery.

GENERAL GOVERNMENT BOND: At 1:11 am, the House, by a 73-0 standing vote, attached an emergency preamble to H 5016 providing for capital facilities.

TAUNTON SKILLS CENTER: The House enacted S 53 authorize the development of a regional education, training and skills center in the city of Taunton.

ANNOUNCEMENT: The chair announced that the general government bond would come back from the Senate shortly for the final roll call.

LAST ROLL CALL: Members cheered as the House clerk returned with the final bill of the evening.

DEPARTING MEMBERS: Rep. DiMasi assembled behind him all the members who were leaving the House after this session. He turned the gavel over to the most senior member, Rep. Frank Hynes. Rep.

Hynes banged the gavel and the members cheered.

Rep. Rogeness took the gavel and banged it and members cheered and applauded.

Rep. Hynes, in the chair, said, Now that I have the gavel, I want to call you attention to this sea wall bill.

Rep. Hynes said, the following bill, being rightly and truly prepared for final passage is now before us for enactment.



Question came on enacting H 5055

As members voted, the departing representatives, including Reps. Lepper, Turkington, Rogeness, Walrath and others, shook hands and hugged the speaker and senior House members.

Rep. DiMasi, back in the chair said, I want to announce that I believe this last session is a session of great accomplishments. I want to thank each and every one of you. You've all done a great job. This has been a great collective accomplishment. I really congratulate the membership for a job well done. I want to thank the staff. And I want to thank the minority leader and his staff.

BY A ROLL CALL VOTE OF 158-0, BILL ENACTED

ADJOURNS: The House adjourned at 1:25 am to meet Monday at 11 am in an informal session.

7/31/08

[SHNS Home Page](#)

**UNCORRECTED PROOF**

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. Representative Callahan of Sutton.

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:

"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

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);

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

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.

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.

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).

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

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.

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.

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.

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.

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.

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.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill authorizing the Commissioner of Capital Asset Management 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.

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.

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.

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.

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.

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 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.

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.

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.

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.

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.

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.

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.

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.

**UNCORRECTED PROOF**

**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.

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.

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. 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.

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

The engrossed Bill 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.

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.**

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.

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. <ctr><b>[See Yea and Nay No. 481 in Supplement.]</b></ctr>

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.**



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.

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.**

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.

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. 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

#### 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. No. 485.

**[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.]**

[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.

**UNCORRECTED PROOF**

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.

**Report of a Committee.**

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.

**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.

**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.

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.

**UNCORRECTED PROOF**

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.

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.

**UNCORRECTED PROOF**

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

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.

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

Resolved, 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

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.

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

**[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.

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.

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.

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.

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.

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 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 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.

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.

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.

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.

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.

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.

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.

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 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 Yea 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 Yea 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 Yea and Nay No. 514 in Supplement.]**

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 Yea and Nay 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 Yea and Nay 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 Yea and Nay 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.

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 Yea and Nay 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 Yea and Nay 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 Yea and Nay 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 Yea and Nay 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.

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.

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.

**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.

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.

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.

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.

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.

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.

**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.

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.

#### 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.

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.

#### 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.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 23 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the 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.

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 Yea and Nay 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.

#### 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.

#### 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.

#### 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.

Wednesday, July 30, 2008

*UNCORRECTED PROOF*

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.

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.