

UNCORRECTED PROOF.

The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



TUESDAY, JULY 14, 2009.

[71]*

JOURNAL OF THE HOUSE.

Tuesday, July 14, 2009.

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

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

God, Our Creator, we believe that we live each moment of the day in Your presence. We also believe that You listen to the words we speak and to the sentiment in our heart. As we begin this day we renew our intention to serve You, constituents and our families. In Your goodness bless our efforts to remain faithful to our lofty goals and high hopes for this day and every day. I addressing the items on today's legislative calendar, grant us the wisdom to comprehend accurately and evaluate fairly the items which come before us. May we have the good judgment and courage to make decisions and choices which address the current needs of people and our society. In this age of violence in many parts of the world, teach us to continue our national traditional respect for the personal dignity and the basic human rights of all persons.

Prayer.

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

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

Pledge of allegiance.

Silent Prayers.

At the request of Representatives Ashe of Longmeadow, Puppolo of Springfield and the entire Western Massachusetts delegation, the members, guests and employees stood in a moment of silence in respect to the memory of Sgt. Mark Ecker. Sgt. Mark Ecker of East Longmeadow passed away this past weekend from injuries sustained in an automobile accident. Sgt. Ecker served 2 tours of duty in Iraq and subsequently lost both of his legs while serving his country.

Sgt. Mark Ecker.

At the request of Representatives Fennell of Lynn, Walsh of Lynn, Falzone of Saugus and Ehrlich of Swampscott, the members, guests and employees stood in a moment of silence in respect to the memory of former Mayor Patrick J. McManus of Lynn, who died suddenly on Friday, July 10, 2009 at the age of 54. Mr. McManus served as Mayor of the City of Lynn from 1992 to 2001, inclusive. He also served as a Lynn City Councilor, and was a trustee of the United States Conference of Mayors. He leaves his wife Debra and five children.

Mayor Patrick J. McManus of Lynn.

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Message from the Governor.

A message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) relative to validating a certain vote passed by the town of Foxborough (House, No. 4161), was filed in the office of the Clerk on Monday, July 13.

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

Foxborough,—
election vote.

Statement Concerning Representative Khan of Newton.

A statement of Mr. Vallee of Franklin concerning Ms. Khan of Newton was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Khan of Newton, will not be present in the House Chamber for today's sitting due to official business in Washington D.C. Any roll calls that she may miss today is due entirely to the reason stated.

Statement
concerning
Representative
Khan of Newton.

Statement Concerning Representative Miceli of Wilmington.

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

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Miceli of Wilmington, will not be present in the House Chamber for today's sitting due to personal business outside of the Commonwealth. Any roll calls that he may miss today is due entirely to the reason stated.

Statement
concerning
Representative
Miceli of
Wilmington.

Statements of Representative Sánchez of Boston.

A statement of Mr. Sánchez of Boston 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 will be unable to be present in the House Chamber for a portion of today's sitting due to a family medical concern. Any roll calls that I will miss today or the next several days will be due entirely to the reason stated.

I would also like to call to the attention of the House the fact that on Wednesday, July 8, I was unavoidably absent from the House Chamber for the session due to travel outside of the Commonwealth. If I had been present for the taking of yea and nay No. 166 on that day, on the question on passing to be engrossed the House Bill relative to the Board of Public Accountancy and regulating the registration of certified public accountants (House, No. 4159), I would have voted in the affirmative.

Statements of
Representative
Sánchez of Boston.

Distinguished Guest of the House.

During the session, Mr. Greene of Billerica briefly took the Chair and

Kou-tung

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introduced Mr. Kuo-tung Yang, Director General of the Taipei Economic Cultural Office in Boston. Mr. Greene then presented Director General Wang with previously adopted resolutions of the House commemorating the seventeenth anniversary of the sister-state relationship between the Commonwealth and the Province of Taiwan. Mr. Yang then addressed the House.

Yang.

Resolutions.

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

Resolutions (filed by Mrs. Creedon of Brockton) congratulating Michael Lawrence Grotz of North Easton upon his elevation to the rank of Eagle Scout; and

Michael
Lawrence Grotz.

Resolutions (filed by Mr. Naughton of Clinton) recognizing the American Legion's ninetieth anniversary;

American Legion.

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

Communication.

A communication from the Division of Insurance submitting a report to the Joint Committee on Financial Services of efforts made to facilitate the transition of exclusive representative producers to voluntary agents, was placed on file.

Insurance
producers,—
agents.

Special Reports.

Reports of the Executive Office for Administration and Finance, were spread upon the records of the House, as follows:

So much as relates to Section 17 of Chapter 86 of the Acts of 2008 and Section 64 of Chapter 303 of the Acts of 2008;

A&F progress and
expenditure reports.

So much as relates to Section 13 of Chapter 258 of the Acts of 2008;

So much as relates to Section 25 of Chapter 304 of the Acts of 2008;

and

So much as relates to Section 34 of Chapter 312 of the Acts of 2008;

Severally, were placed on file.

Petition.

Representative Scibak of South Hadley and Senator Rosenberg presented a joint petition (accompanied by bill, House, No. 1913) of John W. Scibak and Stanley C. Rosenberg (by vote of the town) for legislation to establish a department of public works in the town of Hadley; and the same was referred, under Rule 24, to the committee on Municipalities and Regional Government. Sent to the Senate for

Hadley,—
public works
department.

concurrency.

Papers from the Senate.

The House Bill preventing oil spills in Buzzards Bay (House, No. 4119) came from the Senate passed to be engrossed, in concurrence, with amendments in section 1, in line 9, striking out the words "denies boarding to" and inserting in place thereof the words: "fails to request"; in section 2, in lines 25 to 29, inclusive (as changed by the Senate committee on Bills in the Third Reading), striking out all after the words "equipped with:" and inserting in place thereof the following:— "(i) twin radar displays equipped with ECDIS or ARPA capable of integrating AIS; (ii) a towing winch; and associated wire and gear capable of towing, at minimum, a 470 foot fully loaded tank vessel; and (iii) firefighting equipment as determined adequate by the commissioner pursuant to subsection (c) of section 6.;" inserting after section 3 the following four sections:

Buzzards Bay,—
oil spill
prevention.

SECTION 3A. Section 8 of said chapter 21M is hereby amended by striking out the words 'rescue tugs dispatched under section 9', inserted by section 6 of chapter 268 of the acts of 2008, and inserting in place thereof the following words:— state-provided tugboat escorts dispatched under section 9.

SECTION 3B. Subsection (c) of said section 8 of said chapter 21M, as amended by section 7 of said chapter 268, is hereby further amended by striking out clause (1) and inserting in place thereof the following clause:—

(1) A uniform oil spill response and prevention fee in an amount not exceeding \$.05 for each barrel of petroleum product shall be imposed upon a person owning petroleum products at the time the petroleum products are received at a marine terminal within the commonwealth by means of a vessel, from a point of origin outside the commonwealth; provided, however, that the fee shall be remitted to the department of revenue on the thirtieth day of each month based upon the number of barrels of petroleum products received during the preceding month; provided, further, that on or after July 1, 2015, if the commissioner calculates that the financial burden placed upon the commonwealth by the increase of covered vessels under the state escort tug program is sufficiently greater than the resources provided by the fee, the commissioner may increase the fee to not more than \$.07 for each barrel of petroleum product; and provided further, that the commissioner submit a report justifying an increase to a rate higher than \$.05 per barrel to the house and senate committees on ways and means and to the joint committee on environment, natural resources and agriculture at least 90 days before the effective date of the increase.

SECTION 3C. Clause (10) of subsection (d) of said section 8 of said chapter 21M, added by section 10 of said chapter 268 of the acts of 2008, is hereby amended by striking out the words 'rescue tugs' and inserting in place thereof the following words:— state-provided tugboat escorts.

SECTION 3D. Subclause (vii) of clause (1) of subsection (f) of said section 8 of said chapter 21M, added by section 12 of said chapter 268 of the acts of 2008, is hereby amended by striking out the words 'rescue tugs' and inserting in place thereof the following words:— state-provided

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tugboat escorts.”; and striking out section 4 and inserting in place thereof the following section:—

“SECTION 4. Said chapter 21M is hereby further amended by striking out section 9, inserted by section 13 of chapter 268, and inserting in place thereof the following section:—

Section 9. (a) An owner or operator of a tank vessel carrying 6,000 or more barrels of oil may provide 24-hour notice to the department, in a manner to be determined by the department, of the owner or operator’s intent to enter or operate such vessel in Buzzards Bay.

(b) If 24-hour notice is given, pursuant to subsection (a) and the tank vessel is unaccompanied by a tugboat escort, the commissioner shall dispatch a state pilot, if requested by the owner or operator, to the towing vessel.

(c) The commissioner shall dispatch a state-provided tugboat escort in Buzzards Bay to escort a tank vessel carrying 6,000 or more barrels of oil entering or operating in Buzzards Bay and otherwise unaccompanied by a tugboat escort.

(d) The state pilot or operator of the state-provided tugboat escort shall report to the commissioner all near and actual navigational incidents that could potentially lead to an oil spill including, but not limited to, the following: tank vessels traveling outside of the designated vessel route as appearing on the National Oceanic and Atmospheric Administration chart for Buzzards Bay; failure to use AIS; near or actual collisions, allisions or groundings; steering or engine failures; and towing gear failures. The commissioner shall record, make available to the public and keep on file these reports for not less than 10 years.

(e) Notwithstanding subsections (b) and (c), the commissioner shall not dispatch a state-provided tugboat escort and state pilot if the department determines that exigent circumstances exist. No such determination shall be construed to relieve or otherwise limit the liability of an owner or operator of a tank vessel for any release of oil that occurs while the tank vessel enters or operates in Buzzards Bay. The commissioner shall report annually on January 1, to the joint committee on the environment, natural resources and agriculture and in the Environmental Monitor, a publication of the executive office of energy and environmental affairs, the number of occasions that such exemptions were authorized.

(f) The commissioner shall adopt regulations for the implementation and enforcement of this section including, but not limited to, the dispatching of state pilots, manning requirements and the dispatching of state-provided tugboat escorts.

(g) The commissioner, after a competitive bidding process, may evaluate such bids and may enter into contracts with companies to dispatch and provide state-provided tugboat escorts, which meet or exceed the standards required under this section.”

Under suspension of Rule 35, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith.

The House then non-concurred with the Senate in its amendments; and, on motion of Mr. Straus of Mattapoisett asked for a committee of conference on the disagreeing votes of the two branches. Representatives

Committee of
conference.

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Straus, Rodrigues of Westport and Gifford of Wareham 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 amendments, concurred with the House in the appointment of a committee of conference; and that Senators Petrucci, Montigny and Tarr had been appointed the committee on the part of the Senate.

The House Bill establishing a sick leave bank for Tanya M. Dubois, an employee of the Trial Court (House, No. 1683) came from the Senate passed to be engrossed, in concurrence, with an amendment adding at the end thereof the following sentence: "Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the Trial Court."

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

A petition (accompanied by bill, Senate, No. 2108) of Stephen M. Brewer and Geraldo Alicia (by vote of the town) for legislation to authorize the town of Charlton to acquire certain dams within the town, was referred, in concurrence, to the concurrence to the committee on Environment, Natural Resources and Agriculture.

Orders of the Day.

The House Bill establishing a sick leave bank for Michelle Nocera, an employee of the Middlesex Sheriff's Office (House, No. 1150) (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; and it was passed to be engrossed. Sent to the Senate for concurrence.

The Senate Bill relative to the Leino Park Water District (Senate, No. 2068); and

House bills

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

Establishing a sick leave bank for Dolores Tower (House, No. 1160);

Establishing a sick leave bank for Crystal Pollack (House, No. 1161);

and

Pertaining to retirement boards (House, No. 2577).

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

Recess.

At seventeen minutes after eleven o'clock A.M., on motion of Mr. Fresolo of Worcester (Mr. Petrolati of Ludlow being in the Chair), the

Id.

Tanya M. Dubois,—
sick leave bank.

Charlton,—
dams.

Third reading bill.

Second reading bills.

Recess.

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House recessed until the hour of one o'clock P.M.; and at fourteen minutes after one o'clock the House was called to order with Mr. Petrolati in the Chair.

Quorum.

Mr. Jones of North Reading thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), 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 144 members were recorded as being in attendance.

[See Yea and Nay No. 167 in Supplement.]

Therefore a quorum was present.

Quorum.

Quorum roll call,—
yea and nay
No. 167.

Reports of Committees.

Prior to the noon recess,— By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relating to economic recovery through broadband initiatives in Massachusetts (printed in House, No. 4076) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4158). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

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

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

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

Subsequently under suspension of the rules, on motion of Mr. 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, its title having been changed by said committee to read: "An Act relating to economic recovery through broadband initiatives in the Commonwealth."

After remarks on the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Dempsey of Haverhill; and on the roll call 153 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 168 in Supplement.]

Therefore the bill (House, No. 4158) was passed to be engrossed. Sent to the Senate for concurrence.

Broadband
initiatives.

Bill passed to
be engrossed,—
yea and nay
No. 168.

Orders of the Day.

The House Bill relative to certain appropriations by the

Transportation bond
payments,—

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Commonwealth (House, No. 4160) (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.

After debate on the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Ms. Polito of Shrewsbury; and on the roll call 153 members voted in the affirmative and 3 in the negative.

[See Yea and Nay No. 169 in Supplement.]

Therefore the bill (House, No. 4160) was passed to be engrossed. Sent to the Senate for concurrence.

The engrossed Bill providing standards allowing camps to conduct criminal history record checks of climbing wall instructors (see House, No. 4140), being a printed copy of Section 5 contained in the engrossed Bill making appropriations for the fiscal year 2010 (see House, No. 4129), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see attachment C of House, No. 4139), was considered.

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

The engrossed Bill establishing a Commonwealth transportation fund (see House, No. 4141), being a printed copy of Section 21 contained in the engrossed Bill making appropriations for the fiscal year 2010 (see House, No. 4129), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see attachment D of House, No. 4139), was considered.

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

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

“SECTION 1. Chapter 29 of the General Laws is hereby amended by striking out section 2ZZZ, inserted by section 35 of chapter 25 of the acts of 2009, and inserting in place thereof the following section:-

Section 2ZZZ. (a) There shall be established and set up on the books of the commonwealth a separate fund to be known as the Commonwealth Transportation Fund, which shall be used exclusively for financing transportation-related purposes. There shall be credited to the fund all fees received by the registrar of motor vehicles pursuant to section 34 of chapter 90, all receipts paid into the treasury of the commonwealth and directed to be credited to the Commonwealth Transportation Fund pursuant to chapters 64A, 64E, 64F and any other applicable general or special law and all amounts appropriated into the fund by the general court. The fund shall be subject to appropriation and shall be used for transportation related expenses of the executive office of transportation or any successor agency or authority, including to pay or reimburse the General Fund for payment

regulate.

Bill passed to be engrossed,—
yea and nay
No. 169.

Climbing wall
instructors, —
criminal checks.

Commonwealth
transportation
fund.

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of debt service on bonds issued by, or otherwise payable pursuant to a lease or other contract assistance agreement by, the commonwealth for transportation purposes.

(b) Notwithstanding subsection (a), the crediting of receipts from the tax imposed pursuant to chapter 64A to the fund shall not affect the obligations of the commonwealth relating to notes issued pursuant to sections 9 to 10D, inclusive, of chapter 11 of the acts of 1997 and the pledge of receipts from the portion of the tax per gallon imposed pursuant to said chapter 64A equal to 10 cents per gallon, to secure the payment of such bonds under the circumstances described in the trust agreements relating to such notes is hereby ratified and confirmed in all respects and shall remain in full force and effect as long as any such notes issued as of July 1, 2009 remain outstanding in accordance with their terms and secured by funds in the fund.

(c) In addition to those revenues credited to the fund pursuant to subsection (a) there shall be credited to the fund all monies received by the commonwealth equal to .385 percent of the receipts from sales, as defined by chapter 64H, and .385 per cent of the sales price of purchases, as defined by chapter 64I, from that portion of the taxes imposed under said chapters 64H and 64I as excises upon the sale and use at retail of tangible property or of services, and upon the storage, use or other consumption of tangible property, or of services, including interest thereon or penalties, but not including any portion of the taxes that constitute special receipts within the meaning of subsection (b ½) of section 10 of chapter 152 of the acts of 1997 or within the meaning of said subsection (b ½); provided, however, that if in a fiscal year the amount credited to the fund under this subsection is less than \$275,000,000, then the comptroller shall transfer an amount from the General Fund to make up the difference between the amount credited to the fund and \$275,000,000, not later than September 1 of the following fiscal year.

(d) Not less than the following amounts shall annually be distributed from the fund to the Massachusetts Bay Transportation Authority and regional transit authorities:

(1) \$160,000,000 to the Massachusetts Bay Transportation Authority or any fund controlled by the authority in each fiscal year; and

(2) \$15,000,000 to regional transit authorities organized under chapter 161B or predecessor statutes in each fiscal year.

SECTION 2. Subsections (c) and (d) of section 2ZZZ of chapter 29 of the General Laws, as appearing in section 1, shall take effect on July 1, 2010.

SECTION 3. Subsection (b) of section 27 of chapter 304 of the acts of 2008, as amended by section 6 of chapter 10 of the acts of 2009, is hereby further amended by striking out, in line 1, the words "Within 15 days of the date of the written certification" and inserting in place thereof the following words:— Prior to the date of execution of the guaranty.

SECTION 4. Section 32 of said chapter 304 is hereby further amended by striking out the words "June 30" and inserting in place thereof the following words:— November 1.

SECTION 5. Sections 1 and 2 shall take effect as of July 1, 2009.

SECTION 6. Sections 3 and 4 shall take effect as of June 30, 2009."

The further amendment was adopted, thus precluding a vote on the

pending amendment.

The bill (see House, No. 4141, amended) then was sent to the Senate for its action.

The engrossed Bill providing for reporting dates for capital gains revenues and transferring certain funds (see House, No. 4142), being a printed copy of Section 22 contained in the engrossed Bill making appropriations for the fiscal year 2010 (see House, No. 4129), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see attachment E of House, No. 4139), was considered.

Capital gains
revenues,—
reporting dates.

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

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

“SECTION 1. Chapter 29 of the General Laws is hereby amended by inserting after section 5F the following section:—

Section 5G. Notwithstanding any general or special law to the contrary, the department of revenue shall report by September 30 to the state comptroller, the executive office for administration and finance and the house and senate committees on ways and means tax revenues estimated to have been collected during the preceding fiscal year from capital gains income; provided, however, that beginning October 31 and quarterly thereafter the department of revenue shall certify to the state comptroller the amount of tax revenues estimated to have been collected during the preceding quarter from capital gains income; provided, further, that if the department of revenue certifies that the amount of tax revenues estimated to have been collected from capital gains income exceeds \$1,000,000,000 in any fiscal year the comptroller shall transfer quarterly any such amount that exceeds \$1,000,000,000 collected during that fiscal year to the Commonwealth Stabilization Fund established by section 2H; provided, further, that said transfer shall be made prior to the certification of the consolidated net surplus for the previous fiscal year as provided in section 5C; provided, further, that 2 per cent of any amount transferred to the Commonwealth Stabilization Fund under this section shall then be transferred from the Commonwealth Stabilization Fund to the State Retiree Benefits Trust Fund.”

The further amendment was adopted, thus precluding a vote on the pending amendment.

The bill (see House, No. 4142, amended) then was sent to the Senate for its action.

The engrossed Bill relative to payroll deductions for charitable purposes by public employees (see House, No. 4146), being a printed copy of Section 87 contained in the engrossed Bill making appropriations for the fiscal year 2010 (see House, No. 4129), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see attachment I of House, No. 4139), was considered.

Personal care
attendants,—
charitable
deductions.

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

The engrossed Bill authorizing the transfer of certain funds within the Trial Court (see House, No. 4148), being a printed copy of Section 112 contained in the engrossed Bill making appropriations for the fiscal year 2010 (see House, No. 4129), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see attachment K of House, No. 4139), was considered.

Trial Court, —
fund transfers.

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

The engrossed Bill relative to the District Local Technical Assistance Fund (see House, No. 4151), being a printed copy of Section 132 contained in the engrossed Bill making appropriations for the fiscal year 2010 (see House, No. 4129), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see attachment N of House, No. 4139), was considered.

District Local
Technical
Assistance Fund.

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

After remarks on the question on adoption of the amendment recommended by the Governor, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 21 members voted in the affirmative and 134 in the negative.

Amendment
recommended by
Governor
rejected,—
yea and nay
No. 170.

[See Yea and Nay No. 170 in Supplement.]

Therefore the amendment the amendment was rejected.

The bill (see House, No. 4151) then was sent to the Senate for its action.

The engrossed Bill establishing a regionalization advisory commission (see House, No. 4154), being a printed copy of Section 146 contained in the engrossed Bill making appropriations for the fiscal year 2010 (see House, No. 4129), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see attachment Q of House, No. 4139), was considered.

Regional advisory
commission,—
establish.

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

Mr. Jones of North Reading and other members of the House then moved to amend the bill in line 1 (as printed) by striking out the figures "17" and inserting in place thereof the figures "19"; and in line 11 (as printed) by inserting after the words "representatives or his designee;" the words "the minority leader of the senate or his designee; the minority leader of the house of representatives or his designee;". The amendments were adopted.

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The bill (see House, No. 4154, amended) then was sent to the Senate for its action.

Reports of Committees.

Mr. Murphy of Burlington, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 4139), returning with his disapproval of certain items and sections and parts of certain items, and reductions in certain items, and also with recommendation of amendment of certain sections contained in the engrossed Bill making appropriations for the fiscal year 2010 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4129), reported, in part, that section 89 stand (as passed by the General Court). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee reported that the matter be scheduled for consideration by the House. Under suspension of Rule 7A, on motion of Mr. Murphy of Burlington, the section was considered forthwith.

On the question on passing said section, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 134 members voted in the affirmative and 20 in the negative.

[See Yea and Nay No. 171 in Supplement.]

Therefore section 89 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Subsequently a statement of Mr. Naughton of Clinton was spread upon the records of the House, as follows:

MR. SPEAKER: During the above taking of the yeas and nays I was absent from the House Chamber on official business related to veterans' issues in another part of the State House. If I have present, I would have voted in the affirmative.

Mr. Murphy of Burlington, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 4139), returning with his disapproval of certain items and sections and parts of certain items, and reductions in certain items, and also with recommendation of amendment of certain sections contained in the engrossed Bill making appropriations for the fiscal year 2010 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4129), reported, in part, that section 129 stand (as passed by the General Court). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

General
Appropriation
Bill,—Middlesex
assistant judicial
case managers.

Middlesex
assistant judicial
case managers
section 89
stands,—
yea and nay
No. 171.

Statement of
Representative
Naughton of
Clinton.

General
Appropriation
Bill,—cost shifts to
authorities.

UNCORRECTED PROOF.

7A, on motion of Mr. Murphy of Burlington, the section was considered forthwith.

On the question on passing said section, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call (Mrs. Haddad of Somerset being in the Chair) 135 members voted in the affirmative and 22 in the negative.

[See Yea and Nay No. 172 in Supplement.]

Therefore section 129 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the exchange of certain parcels of land in the city of Woburn (see House, No. 1112) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

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

[See Yea and Nay No. 173 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 Commonwealth transportation fund (see House, No. 4141, amended) (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 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 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, at the request of Mr. Wagner of Chicopee; and on the roll call 156 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 174 in Supplement.]

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

Cost shifts to
authorities
section 129
stands,—
yea and nay
No. 172.

Woburn,—
land.

Bill enacted
(land taking),—
yea and nay
No. 173.

Transportation
fund,—
establish.

Bill re-enacted,—
yea and nay
No. 174.

Emergency Measures.

The engrossed Bill providing for economic recovery through broadband initiatives (see House, No. 4158), 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.

Broadband initiatives.

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 31 to 0. Sent to the Senate for concurrence.

Bill enacted.

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

The engrossed Bill relative to certain appropriations by the Commonwealth (see House, No. 4160), 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.

Transportation bond payments,— regulate.

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 25 to 0. Sent to the Senate for concurrence.

Bill enacted.

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

Order.

On motion of Mr. DeLeo of Winthrop,—

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

Next sitting.

At nineteen minutes before six o'clock P.M., on motion of Mr. Straus of Mattapoisett (Mrs. Haddad of Somerset being in the Chair), the House adjourned, to meet the following Thursday at eleven o'clock A.M., in an Informal Session.