

JOURNAL OF THE HOUSE.

Thursday, July 26, 2007.

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

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

God of Compassion and Truth, each day our intention is to serve You and constituents in a faithful and thoughtful manner. Your always-available assistance enables us to respond conscientiously and responsibly to the list of proposed legislative issues and administrative programs which come before us. Grant us the patience and an open mind to look at these matters in an objective, fair, but critical way as we select our best legislative options. Inspire us to remain committed to our traditional principles, our human and religious values and beliefs as we go about our daily routine. Grant us the wisdom to unite our various constituencies in seeking the best present and future interests of people, communities and the Commonwealth.

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

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

Messages from the Governor — Bills Returned with Recommendations of Amendments.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill relative to the use of certain school building assistance program reimbursements to the city of Medford [see House, No. 4096, changed and amended] (for message, see House, No. 4180) was filed in the office of the Clerk on Wednesday, July 25.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Mr. Golden of Lowell, to the committee on Bills in the Third Reading.

Subsequently said committee reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking out section 2 and inserting in place thereof the following section:
"SECTION 2. The city of Medford shall restore any amount appropriated under this act to the reserved grant funds by fiscal year

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2011 by making annual payments of equal increments in each fiscal year beginning in fiscal year 2009. The city shall notify the commissioner of revenue of the annual payments, and if payments are not equal to or in excess of the amount necessary to achieve full restoration on the annual payment schedule by fiscal year 2011, the state treasurer shall deduct from Medford's total state school aid, as defined in section 2 of chapter 70 of the General Laws, sufficient funds to make the payments and deposit the funds in the reserved grant funds. If the city pays in excess of the required incremental grant payment, then the excess shall carry over and apply to the next fiscal year payment. The amount to be repaid shall not include amounts paid by the city of Medford for debt service on the repair project that would have been funded by the reserve in fiscal years 2008, 2009 and 2010 if transfers had not been made under section 1."

The report was accepted.

The amendment recommended by the Governor then was adopted. Sent to the Senate for concurrence.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill relative to security freezes and notification of data breaches [see House, No. 4144] (for message, see House, No. 4181) was filed in the office of the Clerk on Wednesday, July 25.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Mr. Golden of Lowell, to the committee on Bills in the Third Reading.

Subsequently said committee reported recommending that the amendment recommended by the Governor be considered in the following form:

In section 16, in subsection 2, in paragraph (b), by striking out the first sentence and inserting in place thereof the following sentence: "The supervisor of records, with the advice and consent of the information technology division to the extent of its jurisdiction to set information technology standards under paragraph (d) of section 4A of chapter 7, shall establish rules or regulations designed to safeguard the personal information of residents of the Commonwealth that is owned or licensed."

The report was accepted.

The amendment recommended by the Governor then was adopted. Sent to the Senate for concurrence.

Message from the Governor.

A message from His Excellency the Governor recommending legislation relative to protecting the Commonwealth from natural disasters or emergencies that threaten the public health or safety of its citizens (House, No. 4182) was filed in the office of the Clerk on Wednesday, July 25.

Prayer.

Pledge of
allegiance.

Medford,
school
facts.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Ways and Means.

Statement of Representative Alicea of Charlton.

A statement of Mr. Alicea of Charlton 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 able to be present in the House Chamber for a portion of today's sitting due to official business in another part of the State House. Any roll calls that I may have missed was due entirely to the reason stated.

Statement of Representative Alicea of Charlton.

Statement Concerning Representative Spellane of Worcester.

A statement of Mr. Rushing of Boston concerning Mr. Spellane of Worcester, 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 Spellane of Worcester, was not present in the House Chamber for today's sitting due to a scheduling conflict. Any roll calls that he missed today is due entirely to the reason stated. If he had been present for roll call nos. 125, 126, 128, 129, 130, 132, 134, 135, 136 and 137, he would have voted in the affirmative. He would have voted no on roll call nos. 127 and 133.

Statement concerning Representative Spellane of Worcester.

Resolutions.

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

Resolutions (filed by Mr. Alicea of Charlton and other members of the House) honoring the premiere of the "Borinqueneers", a documentary film about the all-Puerto Rican sixty-fifth infantry regiment;

Resolutions (filed by Mr. Bosley of North Adams) congratulating President Dr. Ira S. Lapidus on the occasion of his retirement from the Williamstown Theatre Festival's Board of Trustees;

Resolutions (filed by Representatives Gobi of Spencer and Alicea of Charlton) recognizing Reverend Paul Samuelson and Diane Samuelson for their endless dedication to the 4-H community;

Resolutions (filed by Messrs. Guyer of Dalton, Bosley of North Adams, Pignatelli of Lenox and Speranzo of Pittsfield) congratulating President and Chief Executive Officer William R. Wilson, Jr. on the occasion of his retirement from the Berkshire Visitors Bureau;

Resolutions (filed by Representatives Smola of Palmer, Alicea of Charlton, Frost of Auburn, Gobi of Spencer and Kujawski of Webster) congratulating Richard M. Mangion on the occasion of his retirement from Harrington Memorial Hospital; and

Resolutions (filed by Ms. St. Fleur of Boston and other members of the House) recognizing Charlotte Golar Ritchie of Dorchester for her outstanding achievements in public service;

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Galvin of

Ira S. Lapidus.

Paul and Diane Samuelson.

William R. Wilson, Jr.

Richard M. Mangion.

Charlotte Golar Ritchie.

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

Order.

The following order (filed this day by Mr. DiMasi of Boston) was referred, under Rule 85, to the committee on Rules:

Ordered, That the precept to be issued by the Speaker, under the provisions of Section 141 of Chapter 54 of the General Laws, appointing a time for the election to fill the vacancy existing in the office of Representative in the General Court from the First Suffolk District shall designate Tuesday, October 23, 2007 as the time ordered by the House of Representatives for said election.

Mr. Scaccia of Boston, for the committee on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on motion of Mrs. Walrath of Stow, the order was considered forthwith; and it was adopted.

First Suffolk Representative District, time for election to fill vacancy.

Petition.

Mr. DiMasi of Boston presented a petition (subject to Joint Rule 12) of Salvatore F. DiMasi and others relative to child abuse and neglect; and the same was referred, under Rule 24, to the committee on Rules.

Child abuse and neglect.

Mr. Scaccia of Boston, for the committee on Rules and the committee on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Rogers of Norwood, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Children, Families and Persons with Disabilities. Sent to the Senate for concurrence.

Papers from the Senate.

The Senate Bill relative to the Wallace Civic Center and Planetarium in the city of Fitchburg (Senate, No. 2209) came from the Senate with the endorsement that said branch had concurred with the House in its amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4171), with the following further amendments:

Wallace Civic Center and Planetarium, operation.

In section 1, in the first sentence, striking out the year "2007" and inserting in place thereof the year "2008" and in item 7110-0101, in line 9, inserting after the word "received" the words "by the college or the division";

In section 4, striking out subsection (b) and inserting in place thereof the following subsection:

"(b) Nothing in this section shall prohibit the college, whether pursuant to any management or other agreement or lease its authorities under this act, including its authority to collect, apply and expend any revenues from the management, maintenance and operation of the civic center, and to do so upon terms and subject to requirements or limitations as it may deem necessary or appropriate.," and

Wallace Civic Center and Planetarium, granular.

In section 6, in subsection (b), striking out the fourth sentence and inserting in place thereof the following sentence: "All consideration received by the college or the division from a lease shall be payable into the retained revenue account established in section 1 and shall be held, applied and expended in accordance with the terms thereof."

Under suspension of Rule 35, on motion of Mr. DiNatale of Fitchburg, the further amendments (reported by the committee on Bills in the Third Reading to be correctly drawn, as changed) were considered forthwith; and they were adopted, in concurrence.

PROVINCETOWN, Playground Land.

The House Bill relative to certain playground land in the town of Provincetown (House, No. 3754) came from the Senate passed to be engrossed, in concurrence, with amendments inserting in section 1, in line 4, inserting after the word "committee" the words "for playground purposes"; and striking out section 2 and inserting in place thereof the following two sections:

"SECTION 2. If the land authorized for transfer in section 1 ceases to be used for purposes described in section 1, the land shall revert to the board of selectmen of the town of Provincetown for playground purposes.

SECTION 3. This act shall take effect upon its passage."

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

Medford, Land Transfer.

A Bill to transfer the care and custody of a portion of Cameron School conservation land from the conservation commission to the council on aging (printed as House, No. 4165) [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 Ms. Sandlin of Agawam, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Hall of Westford, the bill (having been reported by the committee on Bills in the Third Reading was read a third time; and it was passed to be engrossed, in concurrence, its title having been changed by said committee to read: "An Act transferring the care and custody of a portion of Cameron School conservation land from the conservation commission to the council on aging in the town of Westford."

Bills

Regarding compliance with the streamlined sales and use tax agreement (Senate, No. 1757) (on a petition); and Relative to welfare reform (Senate, No. 2298) (on Senate, Nos. 115 and 2295);

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

Bills

Authorizing the appointment of Jonathan M. Robertson as a firefighter in the town of Milford notwithstanding the maximum age requirements (Senate, No. 2252) (on a petition) [Local Approval Received];

Authorizing the appointment of Antonio F. Dimis as a police officer in the town of Milford notwithstanding the maximum age requirements (Senate, No. 2253) (on a petition) [Local Approval Received];

Authorizing the appointment of Alcino Fernandes as a police officer in the town of Milford notwithstanding the maximum age requirements (Senate, No. 2254) (on a petition) [Local Approval Received];

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.

A petition (accompanied by bill, Senate, No. 2297) of Pamela P. Resor and James B. Eldridge (by vote of the town) for legislation relative to the group insurance program of the town of Boxborough, was referred, in concurrence, to the committee on Public Service.

A petition of Michael R. Knapik and Donald F. Humason for legislation to establish a sick leave bank for Rosemary Rozak, an employee of the Department of Revenue, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2302) was referred, in concurrence, to the committee on Public Service.

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 following petitions:

Petition (accompanied by bill) of Donald F. Humason, Jr., and Michael R. Knapik for legislation to establish a sick leave bank for Therese M. Bull, an employee of the Department of Social Services; and

Petition (accompanied by bill) of Denise Provost and Timothy J. Toomey, Jr., for legislation to establish a sick leave bank for Savina J. Whiney, an employee of the Department of Social Services;

Severally to the committee on Public Service.

Under suspension of the rules, on motion of Mr. Sullivan of Fall River, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally 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 to increase recycling by landlords and tenants (House, No. 738), — and recommending that the same be referred to the

Jonathan M. Robertson, Milford.

Antonio F. Dimis, Milford.

Alcino Fernandes, Milford.

Boxborough Insurance Program.

Rosemary Rozak, sick leave bank.

Therese M. Bull, sick leave.

Savina Whiney, sick leave.

Recycling.

Sales, streamlined.

Welfare reform.

committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted.

Daniel Curran, sick leave bank.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill establishing a sick leave bank for Daniel Curran, an employee of the Department of Correction (Senate, No. 2280) 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. Walsh of Boston, Hadley, the bill was read a second time forthwith; and it was ordered to a third reading.

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

John J. Bish, sick leave bank.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill establishing a sick leave bank for John J. Bish, an employee of the District Court Department (Senate, No. 2285, 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.

Subsequently, under suspension of the rules, on motion of Ms. Gobi of Spencer, the bill (having been reported by the committee on Bills in the Third Reading was read a third time; and it was passed to be engrossed, in concurrence, its title having been changed by said committee to read: "An Act establishing a sick leave bank for John J. Bish, an employee of the trial court."

Boston, Morrissey Boulevard East.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill authorizing the conveyance of a certain parcel of land in the city of Boston (House, No. 4066) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4185). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with the amendment pending.

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. Walsh of Boston, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill (House, No. 4185) was ordered to a third reading.

Boston, Tenenau Street East.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to convey certain land

to Sullivan and McLaughlin Companies, Inc. (House, No. 4067) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4186). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with the amendment pending.

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. Walsh of Boston, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill (House, No. 4086) was ordered to a third reading.

By Mr. Rodrigues of Westport, for the committee on Consumer Protection and Professional Licensure, on a petition, a Bill relative to the maximum storage charges on motor vehicles involuntarily towed (House, No. 319).

By the same member, for the same committee, on House, No. 3978, a Bill relative to the issuance of an all alcohol beverage license in the city of Easthampton (House, No. 4176) [Local Approval Received].

By the same member, for the same committee, on House, No. 4093, a Bill authorizing the town of Weston to grant a single license for the sale of wine at a food store (House, No. 4177) [Local Approval Received].

By the same member, for the same committee, on House, No. 4094, a Bill authorizing the town of Westborough to grant and additional license for sale of wine and malt beverages to be drunk on the premises (House, No. 4178) [Local Approval Received].

By the same member, for the same committee, on House, No. 4095, a Bill relative to Aquinnah (House, No. 4179) [Local Approval Received].

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

Engrossed Bills.

The engrossed Bill relative to property owned by the Boys and Girls Club of Brockton, Inc. (see Senate, No. 2175) (which originated in the Senate), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill increasing the salaries of the licensing board in the city of Boston (see House, No. 2012) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Motions to Discharge Certain Matters in the Orders of the Day.

Mr. Kaufman of Lexington moved that the Senate Bill relative to pension divestment (Senate, No. 2255, amended), be discharged.

Towed vehicles, storage.

Easthampton, liquor license.

Weston, liquor license.

Westborough, wine and malt beverages.

Aquinnah.

Bill enacted.

re

Pension divestment.

Peterson
divestment.

from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

The bill then was read a second time.
The amendment previously recommended by the committee on Ways and Means,—that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4172,—was adopted; and the bill, as amended, was ordered to a third reading.

Linda M.
Supernor,
sick leave.

Mr. Peterson of Grafton moved that the House Bill establishing a sick leave bank for Linda M. Supernor, an employee of the Department of Revenue (House, No. 4163), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

The bill then was read a second time; and it was ordered to a third reading.

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

Recess.

Recess.

At twenty-three minutes before twelve o'clock noon, on motion of Mr. Fallon of Malden (Mr. Donato of Medford being in the Chair), the House recessed until half past twelve o'clock; and at a quarter before one o'clock P. M. the House was called to order with Mr. Hall of Westford in the Chair.

Orders of the Day.

Third
reading
bills

Senate bills
Further regulating sewer connections in the town of Charlton (Senate, No. 1152, amended);
Further regulating water supply connections in the town of Charlton (Senate, No. 1153); and
Relative to the charter of the town of Bourne (Senate, No. 1177);
Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

House bills

Relative to the regional school budget process (House, No. 586, changed) (its title having been changed by the committee on Bills in the Third Reading);
Providing that certain physical conditions shall be presumed to have been suffered in the line of duty (House, No. 2578); and
Directing the superintendent of state office buildings to place a monument in honor of African Americans (House, No. 3193, changed) (its title having been changed by the committee on Bills in the Third Reading);

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

House bills

Approving the town of Nantucket to use, or to sell, convey or otherwise dispose of certain land situated in the town of Nantucket for any lawful purpose (printed as Senate, No. 2225); and

Approving the Nantucket Islands Land Bank and the town of Nantucket to use, or to sell, convey or otherwise dispose of certain land situated in the town of Nantucket for any lawful purpose (printed as Senate, No. 2227);

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

Recess.

At thirteen minutes before one o'clock P. M., on motion of Mr. O'Day of West Boylston (Mr. Hall of Westford being in the Chair), the House recessed until the hour of one o'clock; and at twenty-six minutes before two o'clock the House was called to order with Mr. Donato of Medford in the Chair.

Quorum.

Mr. Peterson of Grafton thereupon asked for a count of the House to ascertain if a quorum was present. 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 148 members were recorded as being in attendance.

[See Yea and Nay No. 124 in Supplement.]
Therefore a quorum was present.

Orders of the Day.

The Senate Bill relative to volunteers at state parks (Senate, No. 786), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

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

[See Yea and Nay No. 125 in Supplement.]
Therefore the bill (Senate, No. 786) was passed to be engrossed, in concurrence.

The Senate Bill prohibiting internet hunting (Senate, No. 860, amended) (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.

State parks
volunteers
BILL passed
to be
engrossed
yea and nays
No. 125.

Internet
hunting.

Quorum,
yea and nays
No. 124.

Bill passed
to be
engrossed,
yea and nay
No. 126.

On the question on passing the bill to be engrossed, in concurrence, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 151 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 126 in Supplement.]

Therefore the bill (Senate, No. 860, amended) was passed to be engrossed, in concurrence.

Reports of Committees.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill providing for a certain exemption from the sales tax (House, No. 2876) ought to pass with certain amendments. 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. Binienda of Worcester, the bill was read a second time forthwith.

The amendments recommended by the committee on Ways and Means,—that the bill be amended in section 3, in line 1, by striking out the word "Reporting" and inserting in place thereof the words "Notwithstanding any general or special law to the contrary, reporting"; by striking out section 4 and inserting in place thereof the following section:

"SECTION 4. (a) Notwithstanding any general or special law to the contrary, on or before December 31, 2007 the commissioner of revenue shall certify to the comptroller the amount of sales tax foregone, as as new revenue raised from personal and corporate income taxes and other sources pursuant to this act.

(b) Notwithstanding any general or special law to the contrary, the commissioner of revenue shall file a report with the joint committee on revenue and the house and senate committees on ways and means detailing the impact of this act. Said report shall include, without limitation, an analysis by fund of the amounts under general or special laws governing the distribution of revenues under Chapter 64H of the General Laws which would have been deposited in each fund notwithstanding this act"; in section 5, line 1, by striking out the word "The" and inserting in place thereof the words "Notwithstanding any general or special law to the contrary, the"; and in section 6, in line 1, by striking out the word "Eligible" and inserting in place thereof the words "Notwithstanding any general or special law to the contrary, eligible";— were adopted.

After remarks on the question on ordering the bill, as amended, to a third reading, Mr. Jones of North Reading and other members of the House moved to amend it by inserting after section 6 the following two sections:

"SECTION 7. Chapter 64H of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after section 6 following new section:—

Section 6A. The commissioner shall, no later than July 15 of each year, designate a two-day weekend in August during which no

excise shall be imposed upon non-business sales at retail in the Commonwealth of tangible personal property, as defined in section 1 of this chapter. For the purposes of this section, tangible personal property shall not include telecommunications, tobacco products subject to the excise imposed by chapter 64C, gas, steam, electricity, motor vehicles, motorboats, meals, or any single item whose price is in excess of \$2,500. On such weekend, no vendor in the Commonwealth shall add to the sales price or collect from any non-business purchaser an excise upon sales at retail of tangible personal property. The Commissioner shall not require any vendor to collect and pay excise upon sales at retail of tangible personal property purchased on the designated weekend, but any excise erroneously or improperly collected during these two day shall be remitted to the department of revenue.

Notwithstanding any general or special to the contrary, any reporting requirements imposed upon vendors of tangible personal property, by law or by regulation, including, but not limited to, the requirements for filing returns required by chapter 62C, shall remain in effect for sales for the two designated days.

Notwithstanding any general or special law to the contrary, on or before December 31 of each year, the commissioner shall certify to the comptroller the amount of sales tax revenue foregone due to the operation of this section. The commissioner shall issue a report, detailing by fund the amounts under general and special laws governing the distribution of revenues under chapter 64H which would have been deposited in each fund, notwithstanding this section.

Notwithstanding any general or special law to the contrary, the commissioner shall issue any instructions or forms, or promulgate any rules or regulations, deemed necessary to carry out this section.

Notwithstanding any general or special law to the contrary, eligible sales at retail of tangible personal property under the first paragraph of this section are restricted to those transactions occurring on the designated two-day weekend in August, as declared by the commissioner by July 15 of each year. Transfer the possession of or payment in full for the property shall occur on one of those weekend days, and prior sales or layaway sales are ineligible.

SECTION 8. Section 7 of this act shall take effect beginning January 1, 2008."

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 19 members voted in the affirmative and 134 in the negative.

[See Yea and Nay No. 127 in Supplement.]

Therefore the amendment was rejected.

Messrs. Peterson of Grafton and O'Day of West Boylston then moved to amend the bill by striking out the date "August 11" and inserting in place thereof, in each instance, the date "August 18" and by striking out the date "August 12" and inserting in place thereof, in each instance, the date "August 19".

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

Personal
property,
sales tax.

Amendment
rejected,
yea and nay
No. 127.

Amendments
rejected.

Yea and nay
No. 128.

Mr. Peterson; and on the roll call 20 members voted in the affirmative and 133 in the negative.

[See Yea and Nay No. 128 in Supplement.]

Therefore the amendments were rejected.

Bill ordered
to a third
reading,
yea and nay
No. 129.

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. Binnenda of Worcester; and on the roll call 145 members voted in the affirmative and 8 in the negative.

[See Yea and Nay No. 129 in Supplement.]

Therefore the bill (House, No. 2876, amended) was ordered to a third reading.

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

Newborn infants.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill to continue the safe placement of newborn infants (Senate, No. 2177, amended) ought to pass with certain amendments. 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. Finegold of Andover, the bill was read a second time forthwith.

The amendments recommended by the committee on Ways and Means,—that the bill be amended in section 1, in lines 1 and 2, by striking out the following: “Chapter 119 of the General Laws is hereby amended in Section 39 1/2 by inserting at the end thereof the following paragraph” and inserting in place thereof the following: “Section 39 1/2 of chapter 119 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting at the end thereof the following” and in line 29 by inserting after the word “on” the words “or before”,—were adopted.

After debate 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 the same member; and on the roll call 151 members voted in the affirmative and 1 in the negative.

[See Yea and Nay No. 130 in Supplement.]

Therefore the bill, as amended, was ordered to a third reading.

Subsequently, under suspension of the rules, on further motion of Mr. Finegold, the bill (having been reported by the committee on Bills in the Third Reading was read a third time; and it was passed to be engrossed, in concurrence, its title having been changed by said committee to read: “An Act relative to the safe placement of newborn infants”. Sent to the Senate for concurrence in the amendments.

The Speaker being in the Chair,—

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on House, No. 3757, a Bill relative to the licensing requirements for certain tidelands (House,

No. 4184) [Representative Brownsberger of Belmont dissenting]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Under suspension of the rules, on motion of Mr. Smizik, the bill was read a second time forthwith.

Pending the question on ordering the bill to a third reading, Mr. Jones of North Reading asked for a count of the House to ascertain if a quorum was present. The Speaker, 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 149 members were recorded as being in attendance.

[See Yea and Nay No. 131 in Supplement.]

Therefore a quorum was present.

After debate on the question on ordering the bill to a third reading, Mr. Toomey of Cambridge and other members of the House moved to amend it in section 6 by inserting after the first paragraph the following paragraph:

“Notwithstanding the foregoing paragraph, any use or structure within the Northpoint development district defined in Section 114 of Chapter 123 of the Acts of 2006 shall be required to obtain a license under this chapter.”

The amendment was rejected.

Mr. Toomey and other members of the House then moved to amend the bill in section 6 by inserting after the words “lacked the authority to issue such regulations” the words “Notwithstanding the foregoing paragraph, a license shall be required for any use or structure on landlocked tidelands that is part of a development that consists of one million gross square feet or more of buildings or structures, if construction has not started on such use or structure as of the effective date of this act. In determining whether any such development consists of one million gross square feet or more, the entirety of the planned or permitted development, including any likely future expansion, and not separate phases or segments thereof shall be considered. For this purpose, the development may not be phased or segmented to evade this requirement.”

After debate on the question on adoption of the amendment, Mr. DeLeo of Winthrop moved to amend it by striking out the text thereof and inserting in place thereof the following:

“By adding at the end thereof the following section:—

SECTION 9. Notwithstanding chapter 28B or any other general or special law to the contrary, the director shall administer a public benefit determination for any development on filled tidelands including landlocked tidelands that consists of one million gross square feet or more of buildings or structures and that has been given a Certificate by the Secretary of Environmental Affairs but is not fully constructed on the effective date of this act. In determining whether any such development consists of one million gross square feet or more, the entirety of the planned or permitted development

Bill ordered
to a third
reading,
yea and nay
No. 130.

Tidelands,
licensing require-
ments.

Quorum.
Yea and nay
No. 131.

Roll call
amendment
adopted,
yea and nay
No. 132.

and not separate phases or segments thereof shall be considered. For this purpose, the development may not be phased or segmented to evade this requirement. The director shall conduct a public hearing for any public benefit determination under this section."

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Toomey of Cambridge; and on the roll call 115 members voted in the affirmative and 36 in the negative.

[See Yea and Nay No. 132 in Supplement.]

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

Mr. Moran of Boston then moved to amend the bill in section 8 by inserting after the word "overpass" the words "or a public way subject to chapter 92, section 35"; and the amendment was rejected.

Ms. Walz of Boston and other members of the House then moved to amend the bill in section 4, in the third paragraph, in the third sentence, by inserting after the word "municipality" the words "or by a state or federal agency"; and the amendment was adopted.

Ms. Walz and other members of the House then moved to amend the bill in section 7, in the first paragraph, in the third sentence, by inserting the word "feasible;" the following: "(1)" and, in said sentence, by inserting after the word "ponds" the following: "and (2) which tidelands are private tidelands and which are Commonwealth tidelands, as defined by 310 CMR 9.02".

The amendments were adopted.

Ms. Walz then moved to amend the bill in section 1, in subsection 4, in the fourth paragraph, by striking out the word "minimal" and inserting in place thereof the words "de minimus"; and the amendment was adopted.

Ms. Wolf of Cambridge and other members of the House then moved to amend the bill in section 4, in the second paragraph, by striking out the first sentence, as follows: "No license shall be required under this chapter for fill on landlocked tidelands, or for uses or structures within landlocked tidelands."; and by striking out section 10, as follows:

"SECTION 10. The first paragraph of section 4 shall apply to all fill, uses and structures existing before, on, or after the effective date of this act."

The amendments were rejected.

Ms. Provost of Somerville and other members of the House then moved to amend the bill by adding at the end thereof the following section:

"SECTION 12. The Department of Environmental Protection shall take appropriate enforcement action against all violations of c. 91 license #4632, dated December 13, 1962."

After remarks the amendment was rejected.

Ms. Provost and other members of the House then moved to amend the bill in section 1 by striking out the definition of "Public benefit" and inserting in place thereof the following definition:

"Public benefit" shall mean public access, open space recreational activities, and other uses, mitigation, or compensation

relative to chapter 91 licenses and permits; the positive impact on abutters and the surrounding community; enhancement to the property; benefits secured previously through city or town permits; environmental protection and preservation; community activities planned to occur at the development; enhancement of the public health and safety"; and in said section, in subsection 4, by striking out the fourth paragraph contained therein, as follows:

"The director shall also establish regulations relative to exempting the development of certain parcels of land that are determined to be of minimal impact from the public benefit determination."

Pending the question on adoption of the amendments, Mr. DeLeo of Winthrop moved that they be amended by striking out the definition of "Public benefit" and inserting in place thereof the following:

"Public benefit" shall include, but not be limited to: public access; open space; recreational activities and other uses related to chapter 91 licenses and permits; mitigation or compensation for the use of tidelands; the purpose and effect of development; the impact on the abutters and the surrounding community; leases, easements or transfers; enhancement to the property; benefits of previously secured city or town permits, including but not limited to, community activities on the development; environmental protection and preservation; housing; commerce; economic development; the public health, safety and general welfare."; by striking out the language proposed to strike out the fourth paragraph contained in said subsection 4; and in said subsection by inserting after the second paragraph the following paragraph:

"Any determination of the director shall not supersede the rules and regulations of the department of environmental protection or any other requirements under chapter 91."

The further amendments were adopted, thus precluding a vote on the pending amendments.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by striking out sections 1 and 7.

After remarks on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call 25 members voted in the affirmative and 126 in the negative.

[See Yea and Nay No. 133 in Supplement.]

Therefore the amendments were rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the bill in section 1, in subsection 1, in the definition of "Applicant", by inserting after the word "form" the words "after the effective date of this act"; and the amendment was adopted.

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 Ms. Wolf of Cambridge; and on the roll call 119 members voted in the affirmative and 32 in the negative.

[See Yea and Nay No. 134 in Supplement.]

Therefore the bill, as amended, was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Golden of Lowell, the bill (having been reported by the commit-

Bill ordered
to a third
reading,
yea and nay
No. 134.

Amendments
rejected,
yea and nay
No. 133.

tee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. The bill (House, No. 4184, printed as amended) then was sent to the Senate for concurrence.

Emergency Measure.

The engrossed Bill making provisions for the management and operation of the Wallace Civic Center and Planetarium in the city of Fitchburg (see Senate, No. 2209, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 55 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) 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 150 members voted in the affirmative and 0 in the negative.

[See Ye and Nay No. 135 in Supplement.]

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

Engrossed Bills.

Mr. Donato of Medford being in the Chair,—

Bills
engrossed.

Engrossed bills

Relative to volunteers at state parks (see Senate, No. 786);
Prohibiting internet hunting (see Senate, No. 860, amended); and
Relative to the charter of the town of Bourne (see Senate, No. 1177);
(Which severally originated in the Senate);

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

Collective
bargaining.

The engrossed Bill relative to written majority authorization evidence of collective bargaining results (see House, No. 2465, amended) (which originated in the House), was put upon its final passage.

Pending the question on passing the bill to be enacted, Mr. DeLeo of Winthrop moved that Rule 40 be suspended; and the motion prevailed.

The same member and other members of the House then moved to amend the bill by adding at the end thereof the following two sections:

“SECTION 5. Section 3 of Chapter 150A of the General Laws is hereby amended by inserting after the text thereof the following sen-

tence:—Employees shall have the right to refrain from any or all of such activities, except to the extent of making payment of service fees to an exclusive representative.

SECTION 6. Section 4A of the Chapter 150A of the General Laws is hereby amended by inserting at the end of paragraph (3) the following:—; or

(4) To interfere with, restrain, or coerce any employer or employee in the exercise of any right guaranteed under this chapter.”

The amendment was adopted. The bill (see House, No. 2465, amended) then was sent to the Senate for concurrence.

Recess.

At ten minutes after seven o'clock P.M., on motion of Mr. Smizik of Brookline (Mr. Donato of Medford being in the Chair), the House recessed until half past seven o'clock; and at eighteen minutes before eight o'clock the House was called to order with Mr. Donato in the Chair.

Engrossed Bills — Land Takings.

The engrossed Bill relative to certain playground land in the town of Provincetown (see House, No. 3754, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 150 members voted in the affirmative and 0 in the negative.

[See Ye and Nay No. 136 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 transferring the care and custody of a portion of Cameron School conservation land from the conservation commission to the council on aging in the town of Westford (see Senate bill printed as House, No. 4165) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call (the Speaker being in the Chair) 149 members voted in the affirmative and 0 in the negative.

[See Ye and Nay No. 137 in Supplement.]

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

Recess.

Provincetown
playground
land

Bill enacted (Land
takings), yeas
and nays
No. 136.

Westford,
land
transfer.

Bill enacted (Land
takings), yeas
and nays
No. 137.

Next
sitting.

Order.

On motion of Mr. DiMasi of Boston,—
Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at fourteen minutes before eight o'clock P.M., on motion of Mr. Costello of Newburyport (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.