

JOURNAL OF THE HOUSE.

Thursday, July 24, 2008.

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

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

God of Goodness and Truth, we pause for a moment of personal reflection and to offer a prayer of thanksgiving to You, Our Creator, for our daily material and spiritual blessings. Help us to use these gifts in a creative, positive and productive manner as we strive to address the needs of people, of the times and to define and promote the common good. As we try together to build a just, peaceful, stable and ethical society, teach us to build on and to trust in the good intentions and good will of all citizens. In these uneasy and changing political, economic and cultural times, remind us to respect the views and beliefs of all people in our diverse communities. Let the golden rule be our moral guide and compass as we try to improve the quality of life for all in our blessed country.

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

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

Message from the Governor -- Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill establishing a sudden infant death syndrome advisory council [see House, No. 1678] (for message, see House, No. 5012) was filed in the office of the Clerk on Thursday July 24.

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.

Statement of Representative Scibak of South Hadley.

A statement of Mr. Scibak of South Hadley 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 not be present in the House Chamber for the remainder of today's sitting due to official business in my district. Any roll calls that I may miss will be due entirely to the reason stated. Representative Scibak of South Hadley.

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Guests of the House.

During the Session, the Chair (Mr. Donato of Medford) declared a brief recess and introduced the Holy Trinity Abbey Choir from Adare County in Limerick Ireland, who entertained the House by performing a musical piece. They were voted the best Limerick and best church choir in Ireland in 2007. They were the guests of Representatives Brian P. Wallace and Paul Kujawski.

Resolutions.

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

Resolutions (filed by Mrs. Haddad of Somerset) congratulating Kyle L. Fayan on receiving the Eagle Award of the Boy Scouts of America; and

Resolutions (filed by Mrs. Haddad of Somerset) congratulating Thomas K. Patten on receiving the Eagle Award of the Boy Scouts of America;

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Ms. Haddad, 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 by Mr. Pedone of Worcester) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Municipalities and Regional Government be granted until Friday, July 25, 2008, the time within which to make its final report on current House document numbered 4482 relating to private road maintenance.

Mr. Scaccia of Boston, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Pedone, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Papers from the Senate.

The House Bill establishing a sick leave bank for Sharon Easter, an employee of the Department of Correction (House, No. 4209, amended) came from the Senate passed to be engrossed, in concurrence, with an amendment inserting at the end thereof the following sentence: "Sick leave bank days may not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the department."

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Under suspension of Rule 35, on motion of Mr. Fagan of Taunton, 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.

Bills

Designating certain land in the towns of Acton and Concord for conservation, agriculture, open space and recreational purposes (Senate, No. 38, amended in section 1, in lines 31 to 42, inclusive, by striking out the text contained therein and inserting in place thereof the following:

"(f) Notwithstanding any other provision of this section to the contrary, the use, maintenance and rebuilding of any existing building, structure, improvement, appurtenance or road located on, above or below ground, or over the parcels shall be perpetually subject to current uses, and shall be the subject to any additional future uses not inconsistent with this act, including, without limitation, the use, maintenance, and related parking and access to a 5-bedroom house located on a portion of the parcel identified and described in clause (2) of subsection (a) of section 2.

(g) The designation of any parcel under subsection (a) shall be subject to any easement, restriction, condition, lease, license, agreement or grant of any right or interest in the parcel in existence as of the effective date of this act, including, without limitation, (i) agreements relating to approximately 15 acres of land on a portion of the parcel identified and describe in clause 3 of subsection (a) of section 2 to be used for active recreation, including agreements regarding the use, maintenance, and related parking and access for said recreation land; (ii) an easement for the water supply system for the town of Concord located on the parcel identified and described in said clause (3) of subsection (b) of said section 2; and (iii) a road located on the parcel identified and described in said clause (3) of said subsection (b) of said section 2, used to access the adjoining land owned by the town of Concord identified on assessor's map 1997."; in section 2, in line 117, by inserting after the word "book" the figures "51404" and in line 117, by inserting after the word "page" the figures "128"; and by inserting after section 3 the following section:

"SECTION 4. This act shall take effect on December 31, 2008.". (on a petition);

To protect public water supply lands (Senate, No. 488, amended in section 2, in line 25, by striking out the words "treasury of the commonwealth" and inserting in place thereof the words "water supply protection trust") (on a petition);

Relative to the estate of homestead (Senate, No. 2653) (on Senate, Nos. 835, 878 and 883);

Designating certain land in the town of Monson from agricultural, conservation and public recreation purposes (Senate, No. 2695, amended in section 1, in line 10, by inserting before the word "if" the words "for purposes consistent with the mission of the department") (on Senate, No. 31); and

Providing for a study of "Sober Homes" by the bureau of substance abuse services (Senate, No. 2839) (on Senate bill No. 2276);

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 county commissioners of the county of Dukes County to borrow money to replace the roof of a certain courthouse (Senate, No. 2535) (on a petition) [Local Approval Received]; and

Relative to responsibility for damages resulting from the transportation of explosive and inflammable materials (Senate, No. 2837) (on Senate, No. 2523);

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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.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2826) of Robert A. Antonioni and James B. Eldridge for legislation to authorize the appointment of James A. McNamara as a police officer in the town of Lancaster notwithstanding the maximum age requirement;

Petition (accompanied by bill, Senate, No. 2827) of Edward M. Augustus, Jr., George N. Peterson, Jr., and Richard T. Moore for legislation relative to retirement benefits for Richard Greco;

Petition (accompanied by bill, Senate, No. 2828) of Stephen M. Brewer, Robert A. Antonioni and Harriette L. Chandler for legislation relative to death benefits to surviving spouses of firefighters and other emergency personnel;

Petition (accompanied by bill, Senate, No. 2829) of Stephen M. Brewer for legislation relative to retirement buy back from the state board of retirement;

Petition (accompanied by bill, Senate, No. 2830) of Stephen M. Brewer for legislation to establish a sick leave bank for Michelle Curnew, an employee of the Department of Mental Retardation;

Petition (accompanied by bill, Senate, No. 2831) of Benjamin B. Downing, Jay R. Kaufman, Richard R. Tisei, Bradley H. Jones, Jr., and other members of the General Court for legislation to further regulate the appointment of police officers;

Petition (accompanied by bill, Senate, No. 2832) of Richard T. Moore, Jennifer L. Flanagan, Denise Provost, Thomas P. Kennedy and other members of the General Court for legislation relative to credible service for service rendered as a school nurse;

Petition (accompanied by bill, Senate, No. 2833) of Robert A. O'Leary for legislation to grant creditable service to Linda Stetson Willoughby;

Petition (accompanied by bill, Senate, No. 2834) of James E. Timilty, Brian A. Joyce and Louis K. Kafka for legislation to establish a sick leave bank for Lealdon Langley, an employee of the Department of Environmental Protection;

Petition (accompanied by bill, Senate, No. 2835) of Richard T. Moore and John V. Fernandes for legislation relative to the fair treatment of certain teachers' retirement benefits; and

Petition (accompanied by bill, Senate, No. 2836) of Richard R. Tisei, Thomas M McGee and Katherine M. Clark for legislation relative to the Melrose Police Relief Corporation;

Severally 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 Demetrius J. Atsalis for legislation to regulate the payment of services to certain retired public employees;

Petition (accompanied by bill) of Stephen L. DiNatale relative to the retirement of certain employees classified under Group 4 within the Department of Correction;

Petition (accompanied by bill) of Christopher G. Fallon that police officers, fire fighters and correctional officers be eligible for certain line-of-duty benefits under the public employees retirement law;

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Petition (accompanied by bill) of David L. Flynn and Marc R. Pacheco that the State Retirement Board be directed to pay certain benefits to Virginia Wise, the surviving spouse of Raymond Wise, a former campus police officer at Bridgewater State College;

Petition (accompanied by bill) of John P. Fresolo for legislation to place associate court officers of the Trial Courtin Group 2 of the public employees retirement law;

Petition (accompanied by bill) of Anne M. Gobi for legislation to provide creditable service for retirement for certain teachers in the public schools in the Commonwealth;

Petition (accompanied by bill) of Anne M. Gobi for legislation to provide for superannuation retirement for certain spouses of retired public employees;

Petition (accompanied by bill) of Frank M. Hynes that officers in the criminal bureau in the sheriff's department of Plymouth County be classified in Group 4 under the public employee retirement law;

Petition (accompanied by bill) of Frank M. Hynes for legislation to classify medical officers in Group 4 of the public employees retirement law;

Petition (accompanied by bill) of Robert M. Koczera that the Teachers' Retirement Board be directed to grant retirement benefits to Jeanie Soucy under the accidental disability retirement law;

Petition (accompanied by bill) of James R. Miceli for legislation to authorize Daniel E. Murray of the town of Tewksbury to take an examination for the position of police officer for appointment to the Department of State Police;

Petition (accompanied by bill) of Charles A. Murphy that the Teachers' Retirement Board be directed to grant certain creditable service to Margaret DeSimone for retirement purposes;

Petition (accompanied by bill) of Vincent A. Pedone that certain investigators of the Alcoholic Beverages Control Commission be placed in Group 4 of the public employees retirement law;

Petition (accompanied by bill) of Elizabeth A. Poirier and Stephen Stat Smith relative to the granting of retirement credit to certain elected official in cities and towns; and

Petition (accompanied by bill) of Joyce A. Spiliotis for legislation to grant certain creditable service for technology engineering teachers under the public employees retirement law;

Severally to the committee on Public Service.

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

By Mr. Koutoujian of Waltham, for the committee on Public Health, asking to be discharged from further consideration of the Bill to prevent the sharing of prescription data (House, No. 1005),- - and recommending that the same be recommitted to the committee on Health Care Financing with the amendments previously recommended by the committee on Financial Services pending. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Scaccia of Boston, for the committee on Rules, on a petition, a Bill relative to the leasing of certain land in the city of Waltham (House, No. 5015) [Local Approval Received]. 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. Stanley of Waltham, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill establishing the Massachusetts Military Reservation Fire Department (Senate, No. 2760) ought to pass with an

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amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5007). 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. Fresolo of Worcester, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the bill (Senate, No. 2760, amended) was ordered to a third reading.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill authorizing the Department of Conservation and Recreation to enter into a certain lease (House, No. 4204) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 5008). 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. Fresolo of Worcester, the bill was read a second time forthwith.

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

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the city of Lawrence (House, No. 4296) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 5009). 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. Fresolo of Worcester, the bill was read a second time forthwith.

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

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill authorizing the Commissioner of Capital Asset Management and Maintenance to lease certain property in the town of Great Barrington (House, No. 4631) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 5010). 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. Fresolo of Worcester, the bill was read a second time forthwith.

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

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill providing for a partial release of certain land in Sunderland from the operation of an agricultural preservation restriction (House, No. 4780) ought to pass with an amendment substituting therefor a bill with the

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same title (House, No. 5011). 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. Fresolo of Worcester, the bill was read a second time forthwith.

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

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

Senate bills

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

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

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

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

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

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

Relative to the leasing of a certain parcel of land in the town of Gardner (Senate, No. 2696, amended); and

Authorizing the commissioner of Capital Asset Management and Maintenance to make certain conveyances in the city of Somerville (Senate, No. 2705); and

House bills

Discontinuing that portion of Gravelly Brook Road lying in the town of Topsfield as a county highway (House, No. 4065);

Relative to concurrent jurisdiction over the former Devens military base (House, No. 4415);

Authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land in the city of North Adams (House, No. 4585);

Releasing certain land in the town of Deerfield from the operation of an agricultural preservation (House, No. 4779); and

Authorizing the Commissioner of Capital Asset Management and Maintenance to grant easements in the city of Somerville (House, No. 4781);

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

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

Under suspension of the rules, in each instance, on motion of Mr. Sullivan of Fall River, the bills were read a second time forthwith; and were ordered to a third reading.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to district courts (House, No. 4954) be scheduled for consideration by the House.

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

Reconsideration.

Mr. Golden of Lowell moved that the vote be reconsidered by which the House, at the preceding sitting, concurred with the Senate in its amendment to the House Bill establishing a sick leave bank for David Catanzaro, an employee of the Trial Court (House, No. 4771, amended); and the motion to reconsider prevailed.

Pending the recurring question on concurring with the Senate in its amendment, the subject-matter was recommitted to the committee on Bills in the Third Reading, on further motion of the same member.

Orders of the Day.

Senate bills

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

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

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

Removing the deputy chief of police of the town of Acton from the civil service laws (House, No. 4870) (its title having been changed by the committee on Bills in the Third Reading) and;

Establishing a sick leave bank for Timothy M. Larkin, an employee of the executive office of administration and finance (House, No. 4955) (its title having been changed by the committee on Bills in the Third Reading)

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

House bills

Authorizing the mayor of the city of Revere to appoint an additional eight members to the reserve force of firemen of the city of Revere fire department (House, No. 4838);

Exempting Richard Corcoran and Kazimierz R. Piorkowski, Jr. from the maximum age requirement for appointment as a firefighter in the town of Westwood (House, No. 4839);

Authorizing certain persons to take the civil service examination for appointment as a firefighter in the town of Arlington notwithstanding age (House, No. 4871);

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Authorizing certain persons to take the civil service examination for appointment as a police officer in the town of Arlington notwithstanding age (House, No. 4872);

Validating the actions taken at a certain special town meeting in the town of Hopkinton (printed in House, No. 4888);

Relative to identity theft (House, No. 4930);

To authorize the appointment of alternate members of the town of Canton historical commission (House, No. 4931); and

Relative to Charlestown's designated port area (House, No. 4992);

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

The House Bill providing access to information for parents' evaluators (House, No. 391) (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.

Pending the question on passing the bill to be engrossed, Ms. Balsler of Newton moved to amend it in line 18 by inserting after the word "observation" the words "or to protect children in the program from disclosure by an observer of confidential and personally identifiable information in the event such information is obtained in the course of an observation".

The amendment was adopted; and the bill (House, No. 391, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to nurse anesthetists (House, No. 4518) was read a third time.

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

Pending the question on passing the bill to be engrossed, Ms. Khan of Newton moved to amend it by substitution of a bill with the same title (House, No. 5017), which was read.

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

The House Bill regulating liquefied natural gas tanker import terminals (House, No. 2383, changed), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Sullivan of Fall River moved to amend it in section 1, in line 8, after the word "tanker", by striking out the following: "delivering shipments to any LNG import terminal constructed after January 1, 2007" (inserted by change); and the amendment was adopted.

The bill (House, No. 2383) then was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill establishing a sick leave bank for Gary Tuck, an employee of the Department of Revenue (House, No. 4754), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Smith of Everett moved to amend it by inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of revenue, therefore

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it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

The amendment was adopted; and the bill (House, No. 4754, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Recesses.

At six minutes before twelve o'clock noon, on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at ten minutes after one o'clock the House was called to order with Mr. Donato in the Chair.

The House thereupon took a further recess, on motion of Mr. Jones of North Reading, until two o'clock; and at ten minutes after two o'clock the House was called to order with Mr. Donato in the Chair.

Engrossed Bill -- Land Taking.

The engrossed Bill authorizing the town of Middleborough to convey town-owned conservation land in exchange for other land to be used as conservation and recreation land (see Senate, No. 1188) (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 153 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 449 in Supplement.]

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

Orders of the Day.

The House Bill relative to the motion picture industry (House, No. 4784), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Binienda of Worcester moved to amend it in section 1, after line 36, by inserting the following two paragraphs:

"'Video games' means interactive software that (a) is produced for distribution on or accessed via electronic media, including without limitation software that may be accessed via or downloaded from the Internet or mobile networks and software that is distributed on optical media, or embedded in, or downloadable to electronic devices, including without limitation mobile phones, portable

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game systems and personal digital assistants (PDAs); (b) users may interact with via an electronic device, which may include without limitation a computer, a game system, a mobile phone, and a personal digital assistant (PDA), in order to achieve a goal or set of goals; and (c) include an appreciable quantity of text, sound, fixed images, animated images, and/or 3-D geometry. Permissible examples of video games are massive multiplayer online games, casual games, console games, virtual worlds, computer games, and mobile games. 'Video games' shall not include products intended to facilitate gambling in any direct or indirect manner, including without limitation Internet gambling websites, video slot machines and video poker machines.

'Video game development studio' means a permanent facility within this state used primarily for the production and/or development of video games.", in said section, in line 48, by inserting after the words "media facility" the words ", video game development studio", in said section, in line 54, by striking out the figure "5" and inserting in place thereof the figures "15", and in said section, by striking out the paragraph contained in lines 119, 120 and 121 and inserting in place thereof the following two paragraphs:

"(5) Notwithstanding any law to the contrary, for purposes of section 2 of chapter 58, it is hereby determined that any entity or individual originally receiving credits for a state certified infrastructure project shall qualify as a manufacturing corporation. This shall not apply to transferees.

(6) The commissioner, in consultation with the secretary of housing and urban development, shall promulgate regulations necessary for the administration of this subsection."; and in section 2, after line 36, by inserting the following two paragraphs:

"'Video games' means interactive software that (a) is produced for distribution on or accessed via electronic media, including without limitation software that may be accessed via or downloaded from the Internet or mobile networks and software that is distributed on optical media, or embedded in, or downloadable to electronic devices, including without limitation mobile phones, portable game systems and personal digital assistants (PDAs); (b) users may interact with via an electronic device, which may include without limitation a computer, a game system, a mobile phone, and a personal digital assistant (PDA), in order to achieve a goal or set of goals; and (c) include an appreciable quantity of text, sound, fixed images, animated images, and/or 3-D geometry. Permissible examples of video games are massive multiplayer online games, casual games, console games, virtual worlds, computer games, and mobile games. 'Video games' shall not include products intended to facilitate gambling in any direct or indirect manner, including without limitation Internet gambling websites, video slot machines and video poker machines.

'Video game development studio' means a permanent facility within this state used primarily for the production and/or development of video games.", in said section, in line 49, by inserting after the words "media facility" the words ", video game development studio", in said section, in line 55, by striking out the figure "5" and inserting in place thereof the figures "15", and in said section, by striking out the paragraph contained in lines 124, 125 and 126 and inserting in place thereof the following two paragraphs:

"(5) Notwithstanding any law to the contrary, for purposes of section 2 of chapter 58, it is hereby determined that any entity or individual originally receiving credits for a state certified infrastructure project shall qualify as a manufacturing corporation. This shall not apply to transferees.

(6) The commissioner, in consultation with the secretary of housing and urban development, shall promulgate regulations necessary for the administration of this subsection.".

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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. Patrick of Falmouth; and on the roll call 85 members voted in the affirmative and 69 in the negative.

[See Yea and Nay No. 450 in Supplement.]

Therefore the amendment was adopted.

Mr. D'Amico of Seekonk then moved to amend the bill by inserting after section 2 the following section:

"SECTION 2A. Said section 38T of said chapter 63, as amended by chapter 63 of said acts of 2007, is hereby amended by adding the following paragraph:-

(e) Any application and all data, materials and computations utilized in the calculation of any credits under section 38T of chapter 63 shall be deemed public records for purposes of examinations."

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 52 members voted in the affirmative and 101 in the negative.

[See Yea and Nay No. 451 in Supplement.]

Therefore the amendment was rejected.

Mr. D'Amico then moved to amend the bill by inserting after section 2 the following two sections:

"SECTION 2A. Paragraph (1) of subsection 1 of section 6 of chapter 62 of the General Laws, as appearing in the 2006 Official Edition is hereby amended, in the definition of 'Production expense', by adding the following sentence:- For purposes of this section, the term 'production expense' or 'production cost' shall not include the salary of any employee whose salary is equal to or greater than \$1,000,000.

SECTION 2B. Subsection (a) of section 38T of chapter 63 of the General Laws, as appearing in the 2006 Official Edition is hereby amended, in the definition of 'Production expense', by adding the following sentence:- For purposes of this section, the term 'production expense' or 'production cost' shall not include the salary of any employee whose salary is equal to or greater than \$1,000,000."

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 22 members voted in the affirmative and 132 in the negative.

[See Yea and Nay No. 452 in Supplement.]

Therefore the amendment was rejected.

The bill (House, No. 4784, amended) then was passed to be engrossed. Sent to the Senate for concurrence.

Emergency Measures.

The engrossed Bill establishing and funding the Massachusetts Broadband Institute (see House, No. 4864, 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.

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A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 48 to 0. Sent to the Senate for concurrence.

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

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a "loan" bill as defined by Section 3 of Article LXII 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. 453 in Supplement.]

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

The engrossed Bill establishing a sick leave bank for Judith Sargent, an employee of the Department of Public Health (see House, No. 4742, 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 39 to 0. Sent to the Senate for concurrence.

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

Engrossed Bills.

Engrossed bills

Establishing a special fund in the town of Brimfield (see Senate, No. 2328, changed); and Relative to equitable coverage for annuity policies (see Senate, No. 2729); (Which severally originated in the Senate);

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

Recess.

At thirteen minutes before six o'clock P.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until half past six o'clock; and at nine minutes before seven o'clock the House was called to order with Mr. Donato in the Chair.

Emergency Measure.

The engrossed Bill further protecting Buzzards Bay (see Senate, No. 2374, 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.

UNCORRECTED PROOF

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 10 to 0. Sent to the Senate for concurrence.

Engrossed Bill.

The engrossed Bill relative to vehicle license cost recovery fees (see Senate, No. 2416, amended) (which originated in the Senate), 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.

Engrossed Bill -- Land Taking.

The engrossed Bill authorizing a change of use of certain land in the town of Leicester (see Senate, No. 2689) (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 153 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 454 in Supplement.]

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

Orders of the Day.

The House Bill providing for capital facility repairs and improvements for the Commonwealth (House, No. 4993), having been reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Smizik of moved to amend it in section 2A by inserting after item 1100-9200 the following item: "7000-0000 For a program of grants, to be administered by NELINET, Inc., to further the mission of the Digital Commonwealth, in order to assist small historical societies and other community-based archives in the digitization and preservation of their unique collections \$25,000".

The amendment was adopted.

Mr. Greene of Billerica then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that not less than \$250,000 shall be expended for upgrades to the elevator at the Council on Aging Center in Billerica". The amendment was adopted.

The same member then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that no less than \$500,000 shall be expended for the improvements and maintenance of the Marshall Fields". The amendment was adopted.

UNCORRECTED PROOF

Ms. Clark of Melrose then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that not less than \$350,000 shall be expended for a youth sports facilities grant for the City of Melrose". The amendment was adopted.

Ms. Malia of Boston and other members of the House then moved to amend the bill in section 2C, in item 7007-6300, by striking out the figures "\$35,000,000" and inserting in place thereof the figures "\$40,000,000". The amendment was adopted.

Mr. Walsh of Boston 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 152 members were recorded as being in attendance. No. 455.

[See Yea and Nay No. 455 in Supplement.]

Therefore a quorum was present.

Mr. Linsky of Natick then moved to amend the bill in section 2C by adding at the end of 1100-6300 the following: "; provided that not less than \$100,000 be expended for the design of a new Senior Center in the Town of Sherborn". The amendment was adopted.

The same member then moved to amend the bill section 2C by adding at the end of item 1100-6300 the following: "; provided that not less than \$1,000,000 be expended for the construction of a new Senior Center and Community Center in the town of Natick". The amendment was adopted.

Mr. Linsky then moved to amend the bill in section 2C by adding at the end of 1100-6300 the following: "; provided that not less than \$1,000,000 be expended for the construction of a new public safety building in the town of Millis". The amendment was adopted.

Ms. Stanley of West Newbury then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that the sum of \$200,000 shall be made available on a matching basis with the town for the extension and repair of sidewalks on Route #113 in the town of West Newbury". The amendment was adopted.

The same member then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that the sum of \$200,000 shall be expended for municipal infrastructure to mitigate beach erosion problems in the Plum Island section of the town of Newbury". The amendment was adopted.

Mr. Donelan of Orange then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that not less than \$1,000,000 shall be expended to aid in construction of the Greenfield Transportation Center". The amendment was adopted.

The same member then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that not less than \$250,000 shall be expended on renovations for the Athol Senior Center. The amendment was adopted.

Mr. Hynes of Marshfield then moved to amend the bill in section 2C by adding at the end of 1100-6300 the following: "; provided further, that not less than \$2,500,000 shall be expended for the Boys and Girls Club of Marshfield for the construction for a new facility on land designated by the town of Marshfield". The amendment was adopted.

The same member then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that not less than \$1,000,000 shall be expended for the design and construction of a center for senior citizens in the town of Scituate". The amendment was adopted.

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Ms. Grant of Beverly then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; and provided further, that not less than \$1,000,000 be expended for the restoration of the Lynch Park Carriage House in the city of Beverly"; and in said item by striking out the figures "\$170,000,000" and inserting in place thereof the figures "\$173,500,000". The amendments were adopted.

Mr. Pignatelli of Lenox then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that not less than \$250,000 shall be expended for ADA compliance at the town hall in Egremont". The amendment was adopted.

Mr. Walsh of Boston then moved to amend the bill by adding the following section:

"SECTION 18. Notwithstanding any general or special law to the contrary, a private entity engaged in a construction, development, renovation, remodeling, reconstruction, rehabilitation or redevelopment project receiving funds pursuant to this act shall properly classify individuals employed on the project and shall comply with all laws concerning workers' compensation insurance coverage, unemployment insurance, social security taxes and income taxes with respect to all such employees. All construction contractors engaged by an entity on any such project shall furnish documentation to the appointing authority showing that all employees employed on the project have hospitalization and medical benefits that meet the minimum requirements of the connector board established in chapter 176Q of the General Laws."

The amendment was adopted.

Mr. Turkington of Falmouth then moved to amend the bill in section 2C by adding at the end of item 1102-5600 the following: "; provided further that not less than \$500,000 shall be expended for costs of renovation and expansion of the Probate and Family Court facilities in the Town of Barnstable". The amendment was adopted.

The same member then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further that not less than \$200,000 shall be expended on the Beebe Woods/Highfield Drive Walking Path and Parking facility in the Town of Falmouth". The amendment was adopted.

Mr. Turkington then moved to amend the bill be amended in section 2C by adding at the end of item 1102-5600 the following: "; provided further that not less than \$100,000 shall be expended on the replacement of the roof of the District Court building in the Town of Edgartown". The amendment was adopted.

Mr. Turkington of Falmouth then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that not less than \$200,000 shall be expended on the design, renovation and reconstruction of the Surf Drive Bath House and the Old Silver Beach Bath House in the Town of Falmouth". The amendment was adopted.

The same member then moved to amend the bill in section 2C by adding at the end of item 1102-5600 the following: "; provided further that not less than \$400,000 shall be expended for costs of an addition to the District Court facility located in the Town of Falmouth". The amendment was adopted.

Mr. Petrolati of Ludlow being in the Chair,--

Mr. Evangelidis of Holden then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that not less than \$1,000,000 shall be expended for the construction of a senior center in the Town of Westminster". The amendment was adopted.

Representatives Torrisi of North Andover and L'Italien of Andover then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that

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not less than \$195,000 be expended for the development of streetscape improvements and additional parking in the downtown area of North Andover". The amendment was adopted.

The same members then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that not less than \$200,000 be expended for improvements to the Stevens Estate in North Andover". The amendment was adopted.

Representatives Torrisi and L'Italien then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that not less than \$190,000 be expended for the study, design, and development of a windmill on the Stevens Estate property in North Andover for the purpose of providing an alternative energy source". The amendment was adopted.

Mr. Costello of Newburyport then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further that not less than \$500,000 be expended for the historic renovation and other improvements to World War Memorial Stadium in the City of Newburyport". The amendment was adopted.

The same member then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further that not less than \$250,000 be expended for the Amesbury Carriage Museum in the City of Amesbury". The amendment was adopted.

Mr. Dempsey of Haverhill then moved to amend the bill in section 2C by adding at the end of item 1102-5600 the following: "; provided further, that not less than \$5,000,000 shall be expended for repairs and renovations to the district court facility in the city of Haverhill". The amendment was adopted.

Mr. Murphy of Weymouth then moved to amend the bill in section 2C by adding at the end of item 1102-2008 the following: "; provided further, that not less than \$1,000,000 be expended to the Town of Weymouth for the general maintenance and any other costs associated with daily operations of the Tufts, Franklin Pratt, North Branch and Fogg Libraries located in the Town of Weymouth". The amendment was adopted.

The same member then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that not less than \$1,000,000 be expended to the Department of Public Works located in the Town of Weymouth". The amendment was adopted.

Mr. Murphy of Weymouth then moved to amend the bill in section 2C by adding at the end of item 8000-3500 the following: "; provided further, that \$2,000,000 shall be expended for costs associated with improvements to the firehouses located in the Town of Weymouth". The amendment was adopted.

Mr. Fernandes of Milford then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that not less than \$50,000 shall be expended for renovations and repairs of the historic Bancroft Memorial Library in Hopedale". The amendment was adopted.

The same member then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that not less \$1,000,000 shall be expended for a senior center in Hopedale". The amendment was adopted.

Mr. Fernandes of Milford then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that not less than \$250,000 shall be expended for roof and ceiling repairs for the historic Mendon Town Hall". The amendment was adopted.

Mr. Fernandes of Milford then moved that the bill be amended in section 2C by adding at the end of item 8000-3500 the following: "; provided further, that not than \$1,000,000 shall be

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expended for construction of a new police station in the town of Mendon". The amendment was adopted.

Mr. Donelan of Orange then moved to amend the bill in section 2C, in item 1102-5600, in lines 59, 60 and 61, by striking the words: "; and provided further, that the costs of design and construction of the Franklin County courthouse shall be funded from this item". The amendment was adopted.

Ms. Garry of Dracut then moved to amend the bill in section 2C, in item 1100-6300, by striking out the following: "not less than \$300,000 shall be expended for ADA improvements at the town hall in Dracut" and inserting in place thereof the following: "not less than \$1,500,000 shall be expended for ADA improvements at the town hall in Dracut". The amendment was adopted.

Mr. Scaccia of Boston then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that not less than \$2,500,000 shall be expended for the renovation and restoration of the Everett Hall Theatre in the Hyde Park section of Boston". The amendment was adopted.

Mr. Galvin of Canton then moved to amend the bill in section 2C by adding at the end of item 8000-3500 the following: "; and provided, that not less than \$100,000 shall be expended to the Avon Housing Authority for capital repairs for public safety purposes". The amendment was adopted.

The same member then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; and provided further, that \$1,000,000 in matching funds shall be expended for the construction of a new senior citizen center in the town of Canton". The amendment was adopted.

Messrs. Galvin and Kafka of Stoughton then moved to amend the bill in section 2C by adding at the end of item 8000-3500 the following: "; and provided, that not less than \$1,000,000 shall be expended to convert the former National Guard Armory Building in the Town of Stoughton into a public safety facility". The amendment was adopted.

Representatives Galvin of Canton and Timilty of Milton then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; and provided further, that \$500,000 shall be expended for capital improvements to the Trailside museum". The amendment was adopted.

Mr. Guyer of Dalton then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that not less than \$250,000 shall be spent on renovations and improvements to the Dalton Town Hall". The amendment was adopted.

Mr. Straus of Mattapoisett then moved to amend the bill in section 2C, in item 1100-6300, by striking out the following: "provided further, that not less than \$1,000,000 shall be expended for expansion, renovation, capital improvements, relocation, or demolition for the Fairhaven Council on Aging" and inserting in place thereof the following: 1100-6300, by striking out the following: "provided further, that not less than \$1,500,000 shall be expended for expansion, renovation, capital improvements, relocation, or demolition for the Fairhaven Council on Aging". The amendment was adopted.

Mr. Welch of West Springfield then moved that the bill be amended in section 2C by adding at the end of item 1100-6300 the following "; provided further that no less than \$100,000 be expended for maintenance improvements for the Municipal Office Building in the City of West Springfield". The amendment was adopted.

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The same member then moved to amend the bill be amended in section 2C by adding at the end of item 1100-6300 the following: "; provided further that not less than \$100,000 be expended for improvements to the Department of Public Works Maintenance Facilities in the city of West Springfield". The amendment was adopted.

Mr. Welch then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following "; provided further that no less than \$100,000 be expended for maintenance improvements for the Police Headquarters in the City of West Springfield". The amendment was adopted.

Mr. Welch of West Springfield then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following "; provided further that no less than \$100,000 be expended for maintenance improvements for the Fire Department Facilities in the City of West Springfield". The amendment was adopted.

Representatives Richardson of Framingham and Sannicandro of Ashland then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that not less than \$2,000,000 shall be expended for the Town of Framingham to construct a Downtown Parking Garage in close proximity to Framingham Memorial Building, serving Town Government, commercial, and related regional Public Service and Public Safety operations". The amendment was adopted.

Mr. Speliotis of Danvers then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that no less than \$350,000 shall be expended for design and renovation of Topsfield town hall". The amendment was adopted.

Mr. Patrick of Falmouth then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further that not less than \$40,000 be expended for the construction and maintenance of trails in the Town of Bourne". The amendment was adopted.

The same member then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further that not less than \$50,000 be expended for the Cahoon Museum in Barnstable for outreach and education promoting green building technologies for students K-7". The amendment was adopted.

Mr. Patrick then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further that not less than \$30,000 be expended for directional signs to the Cotuit Historic and Arts District". The amendment was adopted.

Mr. Patrick of Falmouth then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further that not less than \$1,000,000 be expended for the design and construction of the new Senior Center in the town of Falmouth". The amendment was adopted.

Mr. Rice of Gardner then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that not less than \$250,000 shall be expended for rehabilitation and renovations to Ashby Town Hall". The amendment was adopted.

The same member then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that not less than \$250,000 shall be expended for rehabilitation and renovations to the Gardner Senior Center". The amendment was adopted.

Mr. Rice then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that not less than \$250,000 shall be expended for renovations and improvements to the Greenwood Memorial Bathhouse in Gardner". The amendment was adopted.

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Mr. Rice of Gardner then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that not less than \$300,000 shall be expended for renovations to Royalston's Whitney Hall and Royalston Town Hall to meet full compliance for accessibility under the Americans With Disabilities Act". The amendment was adopted.

Ms. Story of Amherst then moved to amend the bill in section 2C by adding at the end of item 8000-3500 the following: "; provided further, that not less than \$1,000,000 shall be expended for a joint fire and police public safety complex in the town of Granby". The amendment was adopted.

Mr. Speranzo of Pittsfield then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further that not less than \$2 million shall be expended for improvements to Wahconah Park in Pittsfield". The amendment was adopted.

Mr. Sannicandro of Ashland then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that not less than \$500,000 shall be expended for the Town of Ashland, to create a quiet zone at the at grade level crossing on Cherry Street in Ashland, to improve economic development and public safety in the Town of Ashland". The amendment was adopted.

The same member then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that not less than \$1,000,000 shall be expended for the Town of Ashland, as planning money for a municipal building". The amendment was adopted.

Mr. Murphy of Burlington then moved that the bill be amended in section 2C by adding at the end of item 1100-6300 the following: "; provided further that not less than \$3,000,000 shall be expended to the town of Burlington for the design, construction and implementation of a capital infrastructure improvement project adjacent to Route 3 and Middlesex Turnpike in the town of Burlington". The amendment was adopted.

Ms. L'Italien of Andover then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "provided further, that \$500,000 shall be expended for infrastructure improvements related to pedestrian safety, vehicle access and parking for the proposed Andover Youth Center in the Town of Andover". The amendment was adopted.

The same member then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that \$500,000 shall be expended for the renovation of historic Lincoln Hall as a community space in the Town of Boxford". The amendment was adopted.

Ms. L'Italien then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that \$800,000 shall be expended for the reconstruction of Route 133 from Chestnut Street to Carlton Drive and Route 97 from the Groveland line to Moulton Street in the Town of Georgetown". The amendment was adopted.

Ms. L'Italien of Andover then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that \$300,000 shall be expended for Bailey Lane Bridge Replacement and Road Improvements in the Town of Georgetown". The amendment was adopted.

The same member then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "provided further, that \$350,000 shall be expended for Georgetown Square Traffic Signal Updates and Loop Detection Installation in the Town of Georgetown". The amendment was adopted.

Ms. L'Italien then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that \$500,000 shall be expended for the Restoration and

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Renovation of the Methuen Historic Museum in the City of Methuen". The amendment was adopted.

Ms. L'Italien of Andover then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that \$1,000,000 shall be expended for the widening of the Howe Street Bridge in the City of Methuen". The amendment was adopted.

The same member then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that \$50,000 shall be expended for a covered area for student pick-up at the Annie L. Sargent School in the Town of North Andover". The amendment was rejected.

Mr. Swan of Springfield then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that not less than \$1,500,000 shall be expended for the rehabilitation and upgrading of parcel A of the Dunbar Community Center in Springfield". The amendment was adopted.

The same member then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that not less than \$1,000,000 shall be expended for the rehabilitation and upgrading of the Girls Club / Family Center in Springfield". The amendment was adopted.

Mr. Alicea of Charlton then moved to amend the bill by in section 2C by adding at the end of item 1100-6300 the following: "; provided further that \$100,000 shall be expended for renovations of Charlton Town Hall". The amendment was adopted.

The same member then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further that \$50,000 shall be expended for renovations of East Brookfield Town Hall". The amendment was adopted.

Mr. Swan of Springfield then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further that not less than \$1,000,000 shall be expended for upgrading and expanding the Martin Luther King Jr. Community Center in Springfield". The amendment was adopted.

Mr. Donato of Medford being in the Chair,--

Mr. Swan then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further that \$100,000 shall be expended for a study to determine the feasibility of development and construction of an Underground Railroad, Civil Rights and Black Heritage Museum and Cultural Center in Springfield". The amendment was adopted.

Mr. Golden of Lowell and other members of the House then moved to amend the bill in section 2D by adding at the end of item 8900-8500 the following: "; provided further, that not less than \$100,000,000 shall be expended for costs associated with planning and studies, preparation of plans and specifications, repairs, construction, renovations, improvements, asset management and demolition and other capital improvements at Middlesex Sheriff's Office facilities to address severe and persistent overcrowding, staff training needs, and for costs associated with planning and studies, preparation of plans and specifications, acquisition of land and buildings therein by purchase for construction of a jail facility with adequate capacity in the southern portion of Middlesex County to replace the Middlesex Jail at Cambridge". The amendment was adopted.

Mr. Driscoll of Braintree then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further that not less than \$500,000 shall be expended for improvements to 90 Pond Street in the town of Braintree". The amendment was adopted.

UNCORRECTED PROOF

The same member then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further that not less than \$250,000 shall be expended to establish a pilot program for implementing automatic meter-reading technology, to be administered jointly by the Braintree Electric Light Department and the Braintree Water and Sewer Department". The amendment was adopted.

Mr. Driscoll and other members of the House then moved to amend the bill by adding at the end of item 1100-6300 the following: "; provided further that not less than \$500,000 shall be expended for education and technology computer upgrades in Randolph". The amendment was adopted.

Mr. Driscoll of Braintree then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further that not less than \$250,000 shall be expended for the enhancement and improvement of the Sylvanus Thayer Birthplace and historical campus in the town of Braintree". The amendment was adopted.

The same member then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further that not less than \$500,000 shall be expended for improvements to the Water and Sewer building in the town of Braintree". The amendment was adopted.

Messrs. Bosley of North Adams and Rodrigues of Westport then moved to amend the bill in section 2C by striking out item 1100-8020 and inserting in place thereof the following item: "1100-8020 For the Massachusetts Opportunity Relocation and Expansion Jobs Capital Program related to site remediation, preparation and ancillary infrastructure improvement projects; provided, that the local executive government body and a for-profit entity involved in the project shall jointly submit a request for funding to the secretary of housing and economic development which shall include sufficient documentation including, but not limited to, a project plan with specific goals and objectives that fully documents the proposed project and demonstrates that the businesses associated with the project will generate substantial sales from outside the commonwealth and will result in the creation of a net increase of at least 100 new permanent full-time jobs in Massachusetts within 24 months after receipt of a grant and commits that the jobs are to be maintained for at least a 5-year period and the jobs do not replace existing jobs elsewhere in the commonwealth; and provided further, that twice annually the secretary shall issue a written report to the clerk of the house of representatives and the clerk of the senate, who shall forward the same to the chairs of the house and senate committees on ways and means and the chairs of the joint committee on economic development and emerging technologies which shall include detailed descriptions of any infrastructure improvement projects funded under this program, an accounting of the variance, if any, between proposed jobs and actual creation of jobs, the current and estimated amount of taxable income expected from each project and all funds expended for this purpose 75,000,000".

The amendment was adopted.

Mr. Kocot of Northampton then moved to amend the bill in section 2C by adding at the end of item 8000-3500 the following: "; provided, that \$250,000 be expended for the enhancement and reconstruction of police department facilities in the town of Southampton". The amendment was adopted.

The same member then moved to amend the bill in section 2C by adding at the end of item 8000-3500 the following: "; provided, that \$250,000 be expended for improvements to the Academy of Music located in the city of Northampton". The amendment was adopted.

UNCORRECTED PROOF

Mr. Kocot then moved that the bill be amended in section 2C by adding at the end of item 1100-6300 the following: "; provided, that \$100,000 be expended for the reconstruction and installation of public access improvements to the Larabee School building in the town of Southampton in the town of Southampton". The amendment was adopted.

Mr. Kocot of Northampton then moved to amend the bill in section 2C by adding at the end of item 1102-5600 the following: "; provided, that \$350,000 be expended for the master plan and engineering of a regional justice center and intermodal transportation center to be located on King Street in the city of Northampton". The amendment was adopted.

Ms. Gobi of Spencer then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further that not less than 200,000 shall be expended for renovations of the Spencer Town Hall". The amendment was adopted.

The same member then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further that not less than 250,000 shall be expended for the design and construction of a public safety and public works facility in the Town of New Braintree". The amendment was adopted.

Mr. Kocot of Northampton then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided, that \$300,000 be expended for the repair and improvements to the green energy systems at Smith Academy in the town of Hatfield". The amendment was rejected.

Mr. Casey of Winchester then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided that \$3,000,000 shall be expended for the design and construction of a parking garage in the Town of Winchester". The amendment was adopted.

The same member then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided that \$500,000 shall be expended for repairs and renovations to the Sanborn House Cultural Facility in the Town of Winchester". The amendment was adopted.

Messrs. Casey and Natale of Woburn then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided that \$200,000 shall be expended for improvements to the Stoneham Theater in the Town of Stoneham". The amendment was rejected.

Mr. Casey of Winchester then moved to amend the bill in section 2C by adding at the end of item 8000-3500 the following: "; provided that \$500,000 shall be expended for renovations and improvements to the public safety building and fire station in the Town of Winchester". The amendment was adopted. striking the figures "\$41,080,000 " and inserting in place thereof the figures "\$41,580,000".

The same member then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided that \$100,000 shall be expended for the Veterans Memorial Honor Roll in the Town of Winchester". The amendment was adopted.

Ms. Callahan of Sutton then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further that not less than \$200,000 shall be expended to the Daniels Farmstead Foundation". The amendment was adopted.

The same member then moved to amend the bill in section 2C, in item 1100-6300, by striking out the following: "provided further, that not less than \$500,000 shall be expended for the restoration of the historic Blanchard street school house" and inserting in place thereof the following: "provided further that not less than \$500,000 shall be expended for the repairs of the historic Blanchard street school house and for ADA improvements at the town hall, senior center, and library in the town of Uxbridge". The amendment was adopted.

UNCORRECTED PROOF

Mr. Ayers of Quincy then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that no less than \$500,000 to the Quincy Public School system to be used for technology upgrades". The amendment was adopted.

Ms. Haddad of Somerset then moved to amend the bill by striking out section 15; and the amendment was adopted.

Mr. Curran of Springfield 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 151 members were recorded as being in attendance. No. 456.

[See Yea and Nay No. 456 in Supplement.]

Therefore a quorum was present.

Mr. DiNatale of Fitchburg then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further that not less than \$150,000 be expended for the construction of a new Salt Shed in the city of Fitchburg". The amendment was adopted.

Messrs. Curran and Mr. Puppolo of Springfield then moved to amend the bill in section 2C, in item 1790-2500, in lines 8 and 9, by striking out the following: "center to be located in Building 104 of the STCC Technology Park in Springfield" and inserting in place thereof the words "center to be located in Springfield".

Pending the question on adoption of the amendment, Mr. Swan of Springfield moved to amend it by striking out the proposed words "center to be located in Springfield" and inserting in place thereof the following: "center to be located in Building 104 of the STCC Technology Park in Springfield; provided, that the division shall, not later than 120 days before any transfer or lease authorized herein, submit the costs associated with such data center and a report thereon to the inspector general; provided, further, that the inspector general shall review the costs and such review shall include an examination of the methodology used for such costs and within 90 days of receipt of the report, the inspector general shall prepare a review of such costs and file the review with the division; provided, that the division shall forward copies of the inspector general's review to the house and senate committees on ways and means and to the chairmen of the joint committee on state administration and regulatory oversight at least 30 days before any transfer or conveyance".

After debate on the question on adoption of the further amendment, the Chair (Mr. Donato of Medford) interrupted the pending business and placed before the House the question on suspension of Rule 1A in order that the House might continue to meet beyond the hour of nine o'clock P.M.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provision of said rule; and on the roll call 126 members voted in the affirmative and 25 in the negative.

[See Yea and Nay No. 457 in Supplement.]

Therefore Rule 1A was suspended.

After further 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. Curran of Springfield; and on the roll call 114 members voted in the affirmative and 36 in the negative.

[See Yea and Nay No. 458 in Supplement.]

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

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Mr. Cabral of New Bedford then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that not less than \$1 million shall be expended for the design and construction of a Cape Verdean Community Center at the former Morse Cutting Tools site or any other location deemed appropriate by the community in New Bedford". The amendment was adopted.

The same member then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that not less than \$3 million shall be expended for the design and construction of the Casa da Saudade/Portuguese Cultural Center in New Bedford". The amendment was adopted.

Mr. Cabral then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that not less than \$500,000 shall be expended for improvements to the former Thompson Street School in New Bedford". The amendment was adopted.

Mr. Kane of Holyoke then moved to amend the bill in section 2C by adding at the end of item 8000-3500 the following: "; provided further, that \$250,000 shall be expended for the repair/renovation of Holyoke Fire Department facilities". The amendment was adopted.

The same member then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that \$1,000,000 shall be shall be expended for the Geriatric Authority of Holyoke". The amendment was adopted.

Mr. Kane then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that \$100,000 shall be expended for the renovation/restoration of the City Hall of Holyoke". The amendment was adopted.

Mr. DeLeo of Winthrop then moved to amend the bill in section 10, in line 5, by striking out the figures "\$1,753,680,000" and inserting in place thereof the figures "\$1,790,180,000"; in section 16, in lines 22 and 23, by striking out the following item number ", 0526-2010". The amendments were adopted.

Mr. Timilty of Milton then moved to amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that not less than \$500,000 shall be expended for upgrades for the Milton Youth Center". The amendment was adopted.

Mr. DeLeo of Winthrop then moved to the amend the bill in section 2C by adding at the end of item 1100-6300 the following: "; provided further, that not less than \$1,000,000 shall be expended for capital improvements to the Revere senior center in the city of Revere; provided further, that not less than \$450,000 shall be expended for the purpose of installing sound barriers along route 290 in the Maynard Street section of the town of Northborough; provided further, that not less than \$1,000,000 shall be expended for capital improvements to the Bridgewater senior center in the town of Bridgewater; provided further, that not less than \$1,000,000 shall be expended for capital improvements to the Winthrop senior center in the town of Winthrop; provided further, that \$400,000 shall be expended for the purpose of clean-up and remediation of 119 Colburn Street in the town of Northborough; provided further, that \$750,000 shall be expended for the Loring Skating Arena in the town of Framingham" and in said item by striking out the figures "\$173,500,000" (inserted by amendment) and inserting in place thereof the figures "\$174,000,000"; and in section 10, in line 5, by striking out the figures "\$1,790,180,000" (inserted by amendment) and inserting in place thereof the figures "\$1,757,680,000. The amendments were adopted.

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

UNCORRECTED PROOF

[See Yea and Nay No. 459 in Supplement.]

Therefore the bill (House, No. 5016, printed as amended) was passed to be engrossed. Sent to the Senate for concurrence.

Reports of Committees.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill authorizing the Rose Fitzgerald Greenway Conservancy, Inc. to operate, manage and maintain the Rose Kennedy Greenway (House, No. 4764) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 5013). 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. DiMasi 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 was ordered to a third reading.

Under suspension of the rules, on further motion of Mr. DiMasi, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn), was read a third time forthwith.

On the question on passing the substituted bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 128 members voted in the affirmative and 23 in the negative.

[See Yea and Nay No. 460 in Supplement.]

Therefore the bill (House, No. 5013) was passed to be engrossed. Sent to the Senate for concurrence.

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 matter in the Orders of the Day, at twenty-four minutes before eleven o'clock P.M., on motion of Mr. Peterson of Grafton (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.