# JOURNAL OF THE HOUSE.

Saturday, July 31, 2010.

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

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

Prayer. Eternal God, in prayer we turn our attention to You, Our Creator, and seek Your guidance on this, the final day of formal legislative session. You are our light in darkness, our strength in timidity and our courage in discouragement. We pray for the knowledge to see issues clearly and the wisdom to make the right and sound decisions. We are grateful for the blessings which we have received from You and for the opportunities, as elected leaders, of serving the people in our districts and all in the Commonwealth. We are grateful too, for the sharing of good will and the political expertise which exists in our midst as we work together to promote goals and public policy which contribute to the building of peaceful, prosperous, safe and family-friendly communities in which the dignity of each individual is respected. May Your peace and love, which surpasses all understanding, be with us on this and every day.

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

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

*Message from the Governor.*

Simulcasting,—extend. A message from His Excellency the Governor recommending legislation relative to extending simulcasting (House, No. 4965) was filed this day in the office of the Clerk.

The message was read; and it was referred, under Rule 30, with the accompanying draft of bill to the committee on the Economic Development and Emerging Technologies. Sent to the Senate for concurrence.

*Guest of the House.*

Dr. Jorge Bruno. During the Session, the Chair (Mr. Petrolati of Ludlow), declared a brief recess, and introduced Dr. Jorge Bruno. The Director of Culture of the Regional Government of the Azores. He was the guest of Mr. Cabral of New Bedford.

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

The following bills (having been reported by the committee on Bills in the Third Reading to be correctly drawn) were discharged from their position in the Orders of the Day and read a third time forthwith, under

suspension of the rules, in each instance, on motion of Mr. Pedone of Worcester:

Newbury,— insurance. Regulating certain insurance benefits for elected officials of the town of Newbury (Senate, No. 2096);

Museums. Relative to the disposition of museum property (Senate, No. 2402);

Rockland,— park. Relative to the continued use of Memorial Park in the town of Rockland (Senate, No. 2474);

Greenfield,— land. Authorizing certain changes in the lease of a certain parcel of land in the town of Greenfield (Senate, No. 2481); and

Spencer,— land. Authorizing the Division of Capital Asset Management and Maintenance to lease certain land in the town of Spencer to the Worcester County 4H Center (Senate, No. 2571);

Severally were passed to be engrossed, in concurrence.

The following bills (having been reported by the committee on Bills in the Third Reading to be correctly drawn) were discharged from their position in the Orders of the Day and read a third time forthwith, under suspension of the rules, in each instance, on motion of Mr. Pedone of Worcester:

Reprecincting. Relative to reprecincting (House, No. 678);

Belmont,— recalls. Relative to the recall of elected officials in the town of Belmont (House, No. 4414) (its title having been changed by the committee on Bills in the Third Reading);

Seekonk,— liquor licenses. Relative to converting four seasonal licenses for the sale of all alcoholic beverages to be dunk on the premises to four annual licenses for the sale of all alcoholic beverages to be drunk on the premises and three seasonal licenses for the sale of wines and malt beverages to be drunk on the premises to three annual licenses for the sale of wines and malt beverages to be drunk on the premises in the town of Seekonk (House, No. 4518) (its title having been changed by the committee on Bills in the Third Reading);

Sudbury,— broadband. Authorizing the town of Sudbury to enter into or to extend wireless facility contracts or leases for periods in excess of twenty years (House, No. 4715);

Westborough,— liquor license. Authorizing the town of Westborough to remove a condition of a full liquor license (House, No. 4735);

Whitman,— retired police. Relative to the appointment of retired police officers in the town of Whitman (House, No. 4854);

Mattapoisett River water supply. Relative to establishing the Mattapoisett River Valley Water Supply protection advisory committee (House, No. 4858) (its title having been changed by the committee on Bills in the Third Reading);

Vital records. Relative to the security of vital records and verification of identity (House, No. 4910);

Wenham,— special election. Validating the acts and proceedings of the special town election in the town of Wenham (printed in House, No. 4948) (its title having been changed by the committee on Bills in the Third Reading);

Gardner,— land. Authorizing the city of Gardner to convey certain land under the control of the Gardner Conservation Commission (printed in House, No. 4949);

Essex,— town meeting. Validating the acts and proceedings taken at an annual town meeting held in the town of Essex (printed in House, No. 4950) (its title having been changed by the committee on Bills in the Third Reading);



Vessels. Relative to abandoned vessels (House, No. 4953); and

West Boylston. Authorizing the Commissioner of Capital Asset Management and Maintenance to grant an easement in certain land to the town of West Boylston (House, No. 4958);

Severally were passed to be engrossed. Severally sent to the Senate for concurrence.

Community health workers. The House Bill to establish a board of certification of community health workers (House, No. 4130) was discharged from its position in the Orders of the Day and read a second time forthwith, under suspension of the Rule 47, on motion of Mr. Pedone of Worcester.

The amendment previously recommended by the committee on Health Care Financing,— that the bill be amended by substitution of a bill with the same title (House, No. 4692),— was adopted; and the substituted bill was ordered to a third reading.

Subsequently under suspension of the rules, on further motion of the same member, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn), was read a third time, its title having been changed by said committee to read: "An Act establishing a board of certification of community health workers.".

Pending the question on passing the bill to be engrossed, Mr. Pedone moved to amend it in section 2, in lines 109 and 110, by striking out the paragraph in those lines and inserting in place thereof the following paragraph:

"(o) to develop rules and regulations for the mandatory licensure of community health workers after 5 years of the board's inception.".

The amendment was adopted; and the bill, as amended) was passed to be engrossed. Mr. Sánchez of Boston moved that this vote be reconsidered; and the motion to reconsider was negative. The bill (House, No. 4692, amended) then was sent to the Senate for concurrence.

Reckless vehicle operation. The Senate Bill authorizing the warrantless arrest for reckless or negligent operation of a motor vehicle that causes serious bodily injury or death (Senate, No. 2472) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was discharged from its position in the Orders of the Day and read a third time forthwith, under suspension of the Rule 47, on motion of Mr. Pedone of Worcester.

Pending the question on passing the bill to be engrossed, in concurrence, Mr. O'Flaherty of Chelsea moved to amend it by striking out section 2 and inserting in place thereof the following section:

"SECTION 2. Section 21 of Chapter 90 of the General laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word 'person', in line 34, the following words:— , or whoever operates a motor vehicle recklessly or negligently so that the lives or safety of the public might be endangered in violation of paragraph (a) of subdivision (2) of section 24 and by such operation causes another person serious bodily injury as defined in section 24L, or whoever commits motor vehicle homicide in violation of subsection (a) or (b) of section 24G.".

The amendment was adopted; and the bill, as amended, was passed to be engrossed, in concurrence. The bill (Senate, No. 2472, amended) then was sent to the Senate for concurrence in the amendment.

*Papers from the Senate.*

Real estate brokers and salesmen.

The engrossed Bill relative to the requirements for licensing as a real estate broker or salesman (see Senate, No. 121, amended) came from the Senate with the endorsement that it had adopted the following amendments:

Inserting before section 1 the following section:

"SECTION A. Section 87RR of chapter 112 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word 'contractor', in line 17, the following words:— and may, by agreement, be paid as an outside salesperson on a commission-only basis."; and

Striking out section 2 and inserting in place thereof the following section:

"SECTION 2. Section 1 shall take effect on June 1, 2011.".

Under suspension of Rule 35, on motion of Mr. Pedone of Worcester, the amendments were considered forthwith.

The committee on Bills in the Third Reading reported recommending that the House concur with the Senate in its amendments with a further amendment by striking out all after the enacting clause and inserting in place thereof the following:

"SECTION 1. Section 87RR of chapter 112 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word 'contractor', in line 17, the following words:— and may, by agreement, by paid as an outside salesperson on a commission-only basis.

SECTION 2. Section 87SS of said chapter 112, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:—

Every individual applicant for a license as a salesman who is required to take an examination therefor shall, as a prerequisite to taking such examination, submit proof satisfactory to the board that he has completed courses in real estate subjects approved by the board, such courses to total 40 classroom hours of instruction; provided, however, that applicants having successfully completed a course in real property while enrolled in an accredited law school in the commonwealth may also take such examination. Every individual applicant for a license as a broker who is required to take an examination therefor shall, as a prerequisite to taking such examination, submit proof satisfactory to the board that he has been actively associated with a real estate broker for a period of 3 years as a real estate salesman and that he has completed additional courses in real estate subjects approved by the board, such courses to total 40 classroom hours of instruction.

SECTION 3. Section 2 of this act shall take effect on June 1, 2011.".

The report was accepted; and the further amendment was adopted.

The House then concurred with the Senate in its amendments, as amended. Sent to the Senate for concurrence in the further amendment.

Athol,— land.

The Senate Bill authorizing the Department of Fish and Game to acquire land of the town of Athol and to acquire a conservation restriction on lands of the town of Athol in exchanges for grants of easements to the town of Athol (Senate, No. 2451) 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 4756) with a further amendment striking out all after the enacting clause (inserted by amendment by the House) and inserting in place thereof the text contained in Senate document numbered 2555.

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

Uxbridge,— Benny Emrick's 'Road to Boston'.

The House Bill designating a certain road in the town of Uxbridge as the Benny Emerick's Road to Boston (House, No. 3182) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the following:

"A portion of route 16 in the town of Uxbridge, beginning at the intersection of West River road and ending at the Mendon town line, shall be designated and known as the Sergeant Benjamin P. 'Benny' Emerick's 'Road to Boston.' The Massachusetts Department of Transportation shall erect and maintain suitable markers bearing that designation in compliance with the standards of the department and any existing historic preservation guidelines or statutes.".

Under suspension of Rule 35, on motion of Ms. Callahan of Sutton, 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.

Yarmouth,— Parker's River Marina.

The House Bill providing for development and operation of a new Parker's River Marina in the town of Yarmouth (House, No. 4321, amended) (its title having been changed by the Senate committee on Bills in the Third Reading) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1, in line 8, inserting after the word "town" (as changed by the Senate committee on Bills in the Third Reading) the words "for public use".

Under suspension of Rule 35, on motion of Mr. Turner of Dennis, 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.

Elderly,— silver alert system.

The House Bill to create a silver alert community response system (House, No. 4916) came from the Senate passed to be engrossed, in concurrence, with amendments in section 1, in line 17, after the word "created", and also in line 25, after the word "shall" (the first time it appears), inserting, in each instance, the words ", subject to available funds,"; and in section 2, in line 36, striking out the word "annual", and in line 41, striking out the words "shall consider coordinating" and inserting in place thereof the words "may coordinate".

Under suspension of Rule 35, on motion of Ms. Reinstein of Revere, 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.

Carver,— sheds and outbuildings.

The Senate Bill authorizing property tax exemption for certain small sheds and outbuildings in the town of Carver (Senate, No. 2255) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

*Reports of Committees.*

Children,— communication opportunities.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill to improve augmentative and alternative communication opportunities for children (Senate, No. 2579) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

Subsequently, under suspension of the rules, on motion of Ms. L'Italien of Andover, the bill (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, its title having been changed by said committee to read: "An Act relative to augmentative and alternative communication opportunities for children.".

Cape Cod,— electricity.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill relative to electricity reliability on Cape Cod (Senate, No. 2109) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

Medical Mutual Insurance Company.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill relating to the Medical Professional Mutual Insurance Company (Senate, No. 2385) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

Debt collection.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill further regulating debt collection (Senate, No. 2557) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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



Registries of deeds,— records.

Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, reported recommending that the Senate Bill clarify recording requirements at the registries of deeds (Senate, No. 2549) be scheduled for consideration by the House.

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

Subsequently, under suspension of the rules, on motion of Mr. Pedone of Worcester, the bill (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, its title having been changed by said committee to read: "An Act relative to recording requirements at registries of deeds.". Sent to the Senate for concurrence.

Civil service and retirement.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to civil service, retirement, and pensions (House, No. 4505) ought to pass with an amendment substituting therefore a Bill relative to civil service, retirement and pensions (House, No. 4964). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

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

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

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

Hopkinton,— public works.

Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill abolishing the board of public works in the town of Hopkinton (House, No. 4882) be scheduled for consideration by the House.

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

Subsequently, under suspension of the rules, on motion of Mr. Pedone of Worcester, the bill (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.

Registries of deeds,— records.

Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, reported recommending that the Senate Bill clarify recording requirements at the registries of deeds (Senate, No. 2549) be scheduled for consideration by the House.

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

Subsequently, under suspension of the rules, on motion of Mr. Pedone of Worcester, the bill (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, its title having been changed by said committee to read: "An Act relative to recording requirements at registries of deeds.". Sent to the Senate for concurrence.

Real estate closing tax.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill to sustain community preservation (printed as Senate, No. 90) be scheduled for consideration by the House.

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

Provincetown,— Fisherman's Wharf.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill regarding fisherman's wharf in the town of Provincetown (House, No. 800) be scheduled for consideration by the House.

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

Steam boilers,— operation.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill increasing the experience and background necessary to operate low pressure processed steam boilers (House, No. 4558) be scheduled for consideration by the House, with the amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4952),— pending.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith.

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

Real estate appraisal companies.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on House, No. 4751, a Bill to regulate real estate appraisal management companies (House, No. 4966). Read; and referred, under Rule 33, to the committee on Ways and Means.

*Emergency Measures.*

Greenfield,— land.

The engrossed Bill authorizing certain changes in the lease of a certain parcel of land in the town of Greenfield (see Senate, No. 2481), 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 20 to 0. Sent to the Senate for concurrence.

Bill enacted.

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

Dartmouth,— land.

The engrossed Bill authorizing the Commonwealth to convey a certain parcel of land in the town of Dartmouth (see Senate, No. 2553), 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 17 to 0. Sent to the Senate for concurrence.

Bill enacted.

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

Heritage areas.

The engrossed Bill relative to national heritage areas (see House, No. 4492, 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 14 to 0. Sent to the Senate for concurrence.

Bill enacted.

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

*Engrossed Bills and Resolve.*

Bill enacted.

The engrossed Bill authorizing governmental bodies to enter into contracts for the inspection, maintenance, repair or modification of water storage facilities (see Senate, No. 2449, amended) (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.

Engrossed bills

Bills enacted.

Relative to limiting certain types of dual alcohol licensure (see Senate, No. 169, amended);

Relative to credit union shares and deposits (see Senate, No. 468);

Relative to the disposition of museum property (see Senate, No. 2402);

Authorizing the warrantless arrest for reckless or negligent operation of a motor vehicle that causes serious bodily injury or death (see Senate, No. 2472, amended);

Relative to recording requirements at registries of deeds (see Senate, No. 2549);

Relative to augmentative and alternative communication opportunities for children (see Senate, No. 2579);

(Which severally originated in the Senate);

Further regulating nonrenewal notices relative to motor vehicle liability insurance and fire insurance (see House, No. 959);

Relative to the licensure of certain health plans (see House, No. 971);

Relative to discharge of certain mortgages (see House, No. 996);

Establishing the center pond restoration and protection district in the town of Becket (see House, No. 3701, amended);

Bills enacted.

Relative to the maximum storage charges on motor vehicles involuntarily towed (see House, No. 4171);

Relative to inhalant abuse (see, House, No. 4254);

Relative to pension divestment from certain companies that invest in the Republic of Iran (see House, No. 4297, amended);

Prohibiting the use of novelty lighters (see House, No. 4369, amended);

Authorizing the town of Southbridge to match debt repayment for school projects to the retirement of other outstanding debt (see House, No. 4695);

Authorizing the city known as the town of Amesbury to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 4818, amended);

Directing the State Secretary to place the office of selectmen on the state election ballot in the town of Mendon (see House, No. 4849, amended);

Adding safeguards to the prescription monitoring program and furthering substance abuse education and prevention (see House, No. 4879);

To create a silver alert community response system (see House, No. 4916, amended);

Eliminating the word "retardation" from the General Laws (see House, No. 4922);

(Which severally originated in the House);

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

Resolve passed.

The engrossed Resolve providing for an investigation and study by a special commission relative to seafood marketing (see House, No. 4872, amended) (which originated in the House), having been certified by the Clerk to rightly and truly prepared for final passage, was passed; and it was signed by the acting Speaker and sent to the Senate.

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

Expanded gaming.

There being no objection,— A report (in part) of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendments of the House Bill establishing expanded gaming in the Commonwealth (House, No. 4619, amended), recommending passage of a bill with the same title (House, No. 5000), was considered forthwith, under suspension of Rule 47, on motion of Mr. Dempsey of Haverhill.

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

Conference committee report accepted,— yea and nay No. 490.

After debate on the question on acceptance of the report of the committee of conference, the sense of the House was taken by yeas and nays, at the request of Mr. Sciortino of Medford; and on the roll call 117 members voted in the affirmative and 36 in the negative.

**[See Yea and Nay No. 490 in Supplement.]**

Therefore the report of the committee of conference was accepted. Sent to the Senate for concurrence.

Expanded gaming.

A report (on the residue) of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendments of the House Bill establishing expanded gaming in the Commonwealth (House, No. 4619, amended), recommending passage of a bill with the same title (House, No. 5001), was considered forthwith, under suspension of Rule 47, on motion of Mr. Pedone of Worcester.

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

The report of the committee of conference then was accepted. Sent to the Senate for concurrence.

*Engrossed Bill — Land Taking.*

Brewster,— land.

The engrossed Bill authorizing the town of Brewster to use certain town-owned land for general town purposes, including renewable energy projects (see House, No. 4450, 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.

Bill enacted (land taking),— yea and nay No. 491.

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 152 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 491 in Supplement.]**

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

Harvard,— easement.

The engrossed Bill providing an easement for affordable senior apartments in the town of Harvard (see House, No. 4850, 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.

Bill enacted (land taking),— yea and nay No. 492.

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. 492 in Supplement.]**

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

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

Workers' compensation insurance.

The Senate Bill further regulating workers' compensation insurance (Senate, No. 2375, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was discharged from its position in the Orders of the Day and read a third time forthwith, under suspension of Rule 47, on motion of Mr. Pedone of Worcester.

Bill passed to be engrossed,—

After remarks 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

yea and nay No. 493.

request of Mr. Walsh of Boston; and on the roll call 153 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 493 in Supplement.]**

Therefore the bill was passed to be engrossed, in concurrence.

*Emergency Measure.*

Brimfield,— land.

The engrossed Bill releasing certain land in the town of Brimfield from an agricultural preservation restriction (see Senate, No. 2221), 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 15 to 0. Sent to the Senate for concurrence.

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

Bill enacted (land taking),— yea and nay No. 494.

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 146 members voted in the affirmative and 7 in the negative.

**[See Yea and Nay No. 494 in Supplement.]**

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

*Engrossed Bill.*

Bill enacted.

The engrossed Bill further regulating workers' compensation insurance (see Senate, No. 2375, 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.

*Paper from the Senate.*

Economic development reorganization.

A report (in part) of the committee of conference on the disagreeing votes of the two branches, with reference to the House amendment (striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4863) of the Senate Bill relative to economic development reorganization (Senate, No. 2380), recommending passage of a bill with the same title (Senate, No. 2582), came from the Senate with the endorsement that it had been accepted by said branch. Under suspension of the rules, on motion of Mr. Bradley of Hingham, the report was considered forthwith.

Conference committee report accepted,— yea and nay No. 495.

After debate on the question on acceptance of the report, in concurrence, 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 2 in the negative.

**[See Yea and Nay No. 495 in Supplement.]**

[Mr. Guyer of Dalton answered "Present" in response to his name.]

Therefore the report of the committee of conference was accepted, in concurrence.



*Engrossed Bills — Land Takings.*

Gardner,— land.

The engrossed Bill authorizing the city of Gardner to convey certain land under the control of the Gardner conservation commission (see House bill printed in House, No. 4949) (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.

Bill enacted (land taking),— yea and nay No. 496.

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. 496 in Supplement.]**

Therefore the bill was passed to be enacted (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

Hingham,— land.

The engrossed Bill authorizing the leasing of a certain parcel of land owned by the Department of Conservation and Recreation in the town of Hingham (see House, No. 4823, 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.

Bill enacted (land taking),— yea and nay No. 497.

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 151 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 497 in Supplement.]**

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

Spencer,— land.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to lease certain land in the town of Spencer to the Worcester County 4H Center (see Senate, No. 2571) (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.

Bill enacted (land taking),— yea and nay No. 498.

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

**[See Yea and Nay No. 498 in Supplement.]**

Therefore the bill 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.*

Tuition retention program.

The engrossed Bill directing the University of Massachusetts and Commonwealth community colleges to establish a tuition retention program and ensure adequate access for qualified Massachusetts stu-

Tuition retention program.

dents (see House, No. 4835) [being a printed copy of Section 129 contained in the engrossed Bill making appropriations for the fiscal year 2011 (see House, No. 4800), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment H of House, No. 4840)], was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Murphy of Burlington.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the form contained in Attachment H of House, No. 4840 (as perfected by the committee); and the report was accepted.

The amendment recommended by the Governor then was rejected.

Mr. Murphy of Burlington then moved to amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

"SECTION 1. Chapter 131 of the acts of 2010 is hereby amended by striking out sections 108 to 110, inclusive.

SECTION 2. Said chapter 131, as so appearing, is hereby further amendment by striking out section 199."; and by striking out the title and inserting in place thereof the following title "An Act relative to tuition retention at the University of Massachusetts at Amherst.".

Amendments adopted,— yea and nay No. 499.

After remarks on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 148 members voted in the affirmative and 6 in the negative.

**[See Yea and Nay No. 499 in Supplement.]**

Therefore the amendments were adopted. Sent to the Senate for its action.

Norwood,— Walnut Lodge property.

The engrossed Bill releasing a restriction on a parcel in the town of Norwood (see House, No. 4836) [being a printed copy of Section 130 contained in the engrossed Bill making appropriations for the fiscal year 2011 (see House, No. 4800), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment I of House, No. 4840)], was considered forthwith, under suspension of Rule 47, on motion of Mr. Murphy of Burlington.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the form contained in said Attachment I of House, No. 4840 (as perfected by the committee); and the report was accepted.

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

*Papers from the Senate.*

Health insurance.

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the House amendment (striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4924) of the Senate Bill to promote cost containment, transparency and efficiency in the provision of quality health insurance for individuals and small businesses (Senate, No. 2447), recommending passage of a bill with the same title (Senate, No. 2585), came from the Senate with the endorsement that it had been accepted by said branch.

Under suspension of the rules, on motion of Mr. Mariano of Quincy, the report was considered forthwith.

Conference committee report accepted,— yea and nay No. 500.

After debate on the question on acceptance of the report, in concurrence, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 153 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 500 in Supplement.]**

Therefore the report of the committee of conference was accepted, in concurrence.

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Recess.

At a quarter before seven o'clock P.M., on motion of Mr. Flynn of Bridgewater (Mr. Petrolati of Ludlow being in the Chair), the House recessed until a quarter before eight o'clock; and at seven minutes after eight o'clock the House was called to order with Mr. Donato of Medford in the Chair.

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Standard insurance policy.

The House Bill relating to the standard insurance policy (House, No. 960) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1, in line 5, inserting after the word "terrorism" the following "; provided, however, that an 'act of terrorism' shall mean activities against persons, organizations or property of any nature, the effect of which is either to (i) intimidate or coerce a government or the civilian population or any segment thereof, or to disrupt any segment of the economy; or (ii) further political, ideological, religious, social or economic objectives or to express, or to express opposition to, a philosophy or ideology; provided further, that the act of terrorism shall involve the following or preparation of the following: (1) use or threat of force or violence; (2) commission or threat of a dangerous act; or (3) commission or threat of an act that interferes with or disrupts an electronic, communication, information or mechanical system".

Under suspension of Rule 35, on motion of Mr. Mariano of Quincy, 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.

Manslaughter.

The House Bill relative to manslaughter (House, No. 1614) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2587.

Under suspension of Rule 35, on motion of Mr. Pedone of Worcester, the amendment was considered forthwith.

The committee on Bills in the Third Reading reported recommending that the House concur with the Senate in its amendment with a further amendment in section 1, in subsection (b), in lines 11 to 14, inclusive, by striking out the sentence in those lines; and the report was accepted. The further amendment was adopted.

The House then concurred with the Senate in its amendment, as amended. Sent to the Senate for concurrence in the further amendment.

Private construction contracts.

The House Bill promoting fairness in private construction contracts (House, No. 4721) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2577.

Under suspension of Rule 35, on motion of Mr. Flynn of Bridgewater, 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.

*Recess.*

Recess.

At twenty-four minutes after eight o'clock P.M., on motion of Mr. Pedone of Worcester (Mr. Donato of Medford being in the Chair), the House recessed until twenty minutes before nine o'clock; and at that time the House was called to order with Mr. Donato in the Chair.

*Suspension of Rule 1A.*

Suspension of Rule 1A.

Mr. Petrolati of Ludlow then took the Chair and placed before the House the question on suspension of Rule 1A in order that the House might continue to meet to meet beyond the hour of nine o'clock P.M.

Rule 1A suspended,—yea and nay No. 501.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provisions of said rule; and on the roll 131 members voted in the affirmative and 19 in the negative.

**[See Yea and Nay No. 501 in Supplement.]**

Therefore Rule 1A was suspended.

*Papers from the Senate.*

Funeral processions.

The engrossed Bill further regulating funeral processions (see Senate, No. 1884, amended), which had been returned to the Senate by His Honor the Lieutenant-Governor, Acting Governor, with recommendation of amendments (for message, see Senate, No. 2568), came from said branch with the endorsement that it had adopted said amendments, as follows:

In proposed section 14A of Chapter 85 of the General Laws;

In subsection (b), in paragraph (1) striking out the second and third sentences contained therein and inserting in place thereof the following sentence "A vehicle in a funeral procession may follow the preceding vehicle in the funeral procession as closely as is practicable and safe.";

In subsection (c), in paragraph (3), striking out the last sentence; and

In subsection (d) striking out paragraph (5) and inserting in place thereof the following paragraph:

(5) a vehicle owned by a funeral home establishment or a licensed or registered certified funeral director, and operated by a funeral director, an employee or an independent contractor of a funeral home may have mounted thereon flashing, rotating or oscillating lights as may be assigned by the registrar of motor vehicles. Such lights shall only be displayed when such owner or operator is proceeding in a funeral procession and at no other time.".

Under suspension of Rule 35, on motion of Mr. Dempsey of Haverhill, 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.

Salem,—National Guard.

The House Bill designating the city of Salem as the birthplace of the National Guard (House, No. 1145, changed) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out section 2 (as changed by the House committee on Bills in the Third Reading).

Under suspension of Rule 35, on motion of Mr. Keenan of Salem, 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.

Millbury,—Dwinell bike path.

The House Bill designating a certain bike path in the town of Millbury as the honorable Richard Dwinell memorial Blackstone Valley bike path (House, No. 3218) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the following:

"The access area servicing the portion of the Blackstone Valley bike path in the town of Millbury, located at North Main street shall be designated and known as the Honorable Richard J. Dwinell Memorial Blackstone Valley Bike Path Access Area, in honor of former state representative Richard J. Dwinell's public service to both the commonwealth and the town of Millbury. The Massachusetts Department of Transportation shall erect and maintain suitable markers bearing the designation in compliance with the standards of the department.".

Under suspension of Rule 35, on motion of Mr. Frost of Auburn, 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.

Postpartum depression.

The House Bill relative to postpartum depression (House, No. 4859) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out sections 1 and 2 and inserting in place thereof the following section:

"SECTION 1. The department of public health may consult with health care providers, including, but not limited to, obstetricians, gynecologists, pediatricians and primary care providers, non-profits and health insurance carriers regarding postpartum depression to develop a culture of awareness, de-stigmatization and screening for perinatal depression so that residents of the commonwealth may be assured of the most effective and affordable provision of public health services possible. The department shall develop standards for measuring effective screening for post partum depression using recognized clinical standards and best practices and shall make recommendations for health plan and health care provider data reporting. The department shall issue regulations that require providers and carriers to annually submit data on screening for postpartum depression. Following the

Postpartum depression.

receipt of the data, the commissioner of public health shall issue an annual summary of the activities related to screening for postpartum depression, including best practices and effective screening tools. The department shall annually file the summary with the commissioner of public health and the clerks of the house of representatives and the senate not later than June 30; provided, however, that the first report is due not later than June 30, 2011".

Under suspension of Rule 35, on motion of Ms. Story of Amherst, 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.

Street rods and custom vehicles.

The House Bill relative to the registration and inspection of street rods and custom vehicles (House, No. 4871) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2584.

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

Family child care providers.

The House Bill relative to early education and care by family child care providers (House, No. 4917) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out section 5 and inserting in place the following section:

"SECTION 5. (l) Clause (h) of section 17 of chapter 15D of the General Laws, as appearing in section 2, shall take effect on July 1, 2012.".

Under suspension of Rule 35, on motion of Ms. Khan of Newton, 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.

Simulcasting,— extend.

The Senate Bill extending simulcasting (Senate, No. 2588) (reported from the Senate committee on Ways and Means, under Senate Rule 19), passed to be engrossed by the Senate, was read.

Under suspension of the rules, on motion of Mr. Murphy of Burlington, 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. Pedone of Worcester, the bill (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.

*Reports of Committees.*

Home service contracts.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill relative to home service contracts (House, No. 987) be scheduled for consideration by the House with the amendment previous recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4957),— pending.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith.



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

DCF employees,— retirement.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the House Bill relative to the retirement benefits of certain employees of DCF (House, No. 2550) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4967). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

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

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

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

*Emergency Measures.*

Health insurance.

The engrossed Bill to promote cost containment, transparency and efficiency in the provision of quality health insurance for individuals and small businesses (see Senate, No. 2585), 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 60 to 0. Sent to the Senate for concurrence.

Bill enacted.

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

Turnpike,— air rights.

The engrossed Bill relative to the development of air rights over the Massachusetts Turnpike (House, No. 3364, 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 20 to 0. Sent to the Senate for concurrence.

Bill enacted.

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

Hull,— land and buildings.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to lease certain buildings and park land in the town of Hull for development purposes (see House, No. 4932), 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.

Hull,— land and buildings.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 26 to 0. Sent to the Senate for concurrence.

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

Bill enacted (land taking),— yea and nay No. 502.

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 152 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 502 in Supplement.]**

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

Grafton,— land and surplus properties.

The engrossed Bill authorizing the lease of a certain parcel of land in the town of Grafton to the United States Department of Labor and authorizing the conveyance or lease of certain surplus state-owned properties (see House, No. 4892, 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 22 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.

Bill enacted (land taking),— yea and nay No. 503.

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 151 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 503 in Supplement.]**

Therefore the bill was passed to be enacted (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

*Paper from the Senate.*

The Speaker being in the Chair,—

Criminal offender record information.

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the House amendments (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4712; and striking out the title and inserting in place thereof a new title) to the Senate Bill reforming the administrative procedures relative to criminal offender record information and pre- and post-trial supervised release (Senate, No. 2220) recommending passage of a bill with the same title (Senate, No. 2583), came from the Senate with the endorsement that it had been accepted by said branch. Under suspension of the rules, on motion of Mr. O'Flaherty of Chelsea, the report was considered forthwith.



Conference committee report accepted,— yea and nay No. 504.

After debate on the question on acceptance of the report, in concurrence, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call (Mr. Donato of Medford being in the Chair) 131 members voted in the affirmative and 22 in the negative.

**[See Yea and Nay No. 504 in Supplement.]**

Therefore the report of the committee of conference was accepted, in concurrence.

*Engrossed Bills — Land Takings.*

West Boylston,— land.

The engrossed Bill authorizing the Commissioner of Capital Asset Management and Maintenance to grant an easement in certain land to the town of West Boylston (see House, No. 4958) (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.

Bill enacted (land taking),— yea and nay No. 505.

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 152 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 505 in Supplement.]**

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

Yarmouth,— Parker's River Marina.

The engrossed Bill providing for development and operation of a new Parker's River Marina in the town of Yarmouth (see House, No. 4321, 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.

Bill enacted (land taking),— yea and nay No. 506.

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 152 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 506 in Supplement.]**

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

Rockland,— Memorial Park.

The engrossed Bill relative to the continued use of Memorial Park in the town of Rockland (see Senate, No. 2474) (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.

Bill enacted (land taking),— yea and nay No. 507.

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);

Rockland,—Memorial Park.

and on the roll call 152 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 507 in Supplement.]**

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

*Emergency Measures.*

Economic development reorganization.

The engrossed Bill relative to economic development reorganization (see Senate, No. 2582), 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 24 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted (state loan),—yea and nay No. 508.

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 153 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 508 in Supplement.]**

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

Athol,—land.

The engrossed Bill authorizing the Department of Fish and Game to acquire land of the town of Athol and to acquire a conservation restriction on lands of the town of Athol in exchange for grants of easements to the town of Athol (see Senate, No. 2451, 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 50 to 0. Sent to the Senate for concurrence.

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

Bill enacted (land taking),—yea and nay No. 509.

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 152 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 509 in Supplement.]**

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



*Engrossed Bills.*

Rockland,—Memorial Park.

The engrossed Bill establishing expanded gaming in the Commonwealth (see House, No. 5000) (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.

Bill enacted,—yea and nay No. 510.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays at the request of Mr. Dempsey of Haverhill; and on the roll call 115 members voted in the affirmative and 36 in the negative.

**[See Yea and Nay No. 510 in Supplement.]**

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

Engrossed bills

Bills enacted.

Regulating certain insurance benefits for elected officials of the town of Newbury (see Senate, No. 2096);

Reforming the administrative procedures relative to criminal offender record information and pre- and post-trial supervised release (see Senate, No. 2583);

(Which severally originated in the Senate);

Relating to the standard insurance policy) (see House, No. 960, amended);

Relative to manslaughter (see House, No. 1614, amended);

Designating a certain road in the town of Uxbridge as the Benny Emerick's Road to Boston (see House, No. 3182, amended); and

Promoting fairness in private construction contracts (see House, No. 4721, amended);

(Which severally originated in the House);

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

Bill enacted.

The engrossed Bill establishing expanded gaming in the Commonwealth (see House, No. 5001) (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. After debate the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

*Emergency Measures.*

Simulcasting,—extend.

The engrossed Bill extending simulcasting (see Senate, No. 2588), 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 43 to 0. Sent to the Senate for concurrence.

Bill enacted.

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

Colleges,—tuition retention program.

The engrossed Bill directing the University of Massachusetts and Commonwealth community colleges to establish a tuition retention program and ensure adequate access for qualified Massachusetts students (see House, No. 4835, 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 21 to 0. Sent to the Senate for concurrence.

Norwood,—land.

The engrossed Bill releasing a restriction on a parcel in the town of Norwood (see House, No. 4836, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

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

Family child care providers.

The engrossed Bill relative to early education and care by family child care providers (see House, No. 4917, 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 28 to 0. Sent to the Senate for concurrence.

Land based wind projects.

The engrossed Bill relative to comprehensive siting reform for land based wind projects (see House, No. 4955) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 49 to 2. Sent to the Senate for concurrence.

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

Pending the question on passing the bill to be enacted, Mr. Finegold of Andover moved the previous question.

Motion for previous question prevailed,—yea and nay No. 511.

On the question "Shall the main question be now put?", the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 101 members voted in the affirmative and 49 in the negative.

**[See Yea and Nay No. 511 in Supplement.]**

Therefore the main question was ordered (more than two-thirds of the members present having voted in the affirmative).



Bill enacted,—yea and nay No. 512.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson; and on the roll call 96 members voted in the affirmative and 51 in the negative.

**[See Yea and Nay No. 512 in Supplement.]**

Therefore the bill was passed to be enacted. Mr. Guyer of Dalton then moved that this vote be reconsidered.

Motion to reconsider negatived,—yea and nay No. 513.

On the motion to reconsider, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 40 members voted in the affirmative and 110 in the negative.

**[See Yea and Nay No. 513 in Supplement.]**

Therefore the motion to reconsider was negative; and the bill was signed by the acting Speaker and sent to the Senate.

*Orders.*

John Fitzgerald Kennedy statue.

An Order (filed this day by Mr. Flynn of Bridgewater) relative to the John Fitzgerald Kennedy Statue on the grounds of the Massachusetts State House (House, No. 4968), was referred, under Rule 85, to the committee on Rules.

Mr. Binienda of Worcester, for said committee, then reported recommending that the order ought to be adopted.

Under suspension of the rules, on motion of Mr. Flynn, the order was considered forthwith; and it was adopted.

Next sitting.

On motion of Mr. DeLeo of Winthrop,—

*Ordered*, That when the House adjourns today, it adjourn to meet the following Wednesday at eleven o'clock A.M.

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Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at two minutes after twelve o'clock midnight (Sunday, August 1), there being no objection, on motion of Mr. Murphy of Burlington (Mr. Petrolati of Ludlow being in the Chair), the House adjourned, to meet on the following Wednesday at eleven o'clock A.M., in an Informal Session.