

**NOTICE:** While reasonable efforts have been made to assure the accuracy of the data herein, this is **NOT** the official version of Senate Journal. It is published to provide information in a timely manner, but has **NOT** been proofread against the events of the session for this day. All information obtained from this source should be checked against a proofed copy of the Senate Journal.

## UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



*Thursday, August 12, 2004.*

Met at one minute past eleven o'clock A.M. (Ms. Walsh in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

The Senator from Middlesex, Mr. Shannon, led the Chair (Ms. Walsh), members, guests and employees in the recitation of the pledge of allegiance to the flag.

### *Communication.*

A communication from the State Board of Retirement (pursuant to Chapter 10, Section 18 and Chapter 32 of the General Laws) serving notice of a special board election (received Friday, July 30, 2004),— **was placed on file.**

### *Reports.*

The following reports were severally read and placed on file:

A report of the Department of Conservation and Recreation (pursuant to Section 6 of Chapter 676 of the Acts of 1985) submitting an amended report on the proposed development of the Greylock Center project (received Tuesday, August 3, 2004);

A report of the Massachusetts Turnpike Authority (pursuant to Section 9 of Chapter 87 of the Acts of 2000) relative to the status of the Central Artery/Tunnel Project (CA/T) for the quarter ending June 30, 2004 (received Wednesday, August 11, 2004); and

A report of the Massachusetts Bay Transportation Authority (pursuant to Section 17 of Chapter 125 of the Acts of 2000) relative to the pilot program for improvements on the Greenbush Commuter Line Corridor of the Old Colony Railroad Rehabilitation Project for the 2004 second quarter (received Wednesday, August 11, 2004).

### *Reports of Committees.*

By Ms. Tucker, for the committee on Human Services and Elderly Affairs, on the recommitted petition, a Bill concerning the definition of World War Two veteran (Senate, No. 2371);

**Read and, under Senate Rule 27, referred to the committee on Ways and Means.**

By Ms. Fargo, for the committee on Local Affairs and Regional Government, on petition, a Bill relative to the Community Development Authority in the city of Marlborough (Senate, No. 2440) [Local approval received]; and

By the same Senator, for the same committee, on petition, a Bill establishing the Taunton industrial improvement district in the city of Taunton (Senate, No. 2444) [Local approval received];

**Severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 5050) of Michael J. Rodrigues and Joan M. Menard (by vote of the town) that the town of Westport be authorized to develop and maintain a subsidized housing plan for low and moderate income housing,— **was referred, in concurrence, to the committee on Housing and Urban Development.**

Bills

Relative to money laundering (House, No. 2742,— on petition);

Relative to authorizing the city of Lowell to grant permanent easement of park land (approximately 1426 square feet) to abutters (House, No. 4392,— on petition) [Local approval received]; and

Authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land to the town of Westfield (House, No. 5035,— on House, No. 3595);

**Were severally read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A Bill relative to fair contracts (House, No. 1383,— on Senate, No. 1701 and House, No. 1383),— **was read and, under Senate Rule 26, referred to the committee on Steering and Policy.**

#### *Resolutions.*

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—

Resolutions (filed by Mr. Hart) “congratulating Au Bon Pain”;

Resolutions (filed by Mr. McGee) “celebrating the fiftieth anniversary of the Nahant Lions Club”;

Resolutions (filed by Mrs. Sprague) “on the fifty-eighth annual national convention of the Women’s Army Corps Veterans Association”; and

Resolutions (filed by Ms. Wilkerson) “honoring Elva Lee Collins Abdal-Khallaq.”

#### *Engrossed Bill Returned by Governor With Recommendation of Amendment.*

The engrossed Bill further regulating meetings of municipal boards (see Senate, No. 2247) (which on Saturday, July 31, 2004, had been laid before the Governor for his approbation), was returned to the Senate Clerk by the Governor on Monday, August 9, 2004 at eighteen minutes past five o’clock P.M., with a message recommending an amendment [for message, see Senator, No. 2477].

The message (Senate, No. 2477) was read and the Senate proceeded to reconsider the veto, in accordance with the provisions of Article LVI of the Amendments to the Constitution.

**Under Senate Rule 33, the amendment was referred to the committee on Bills in the Third Reading.**

#### *Reports of a Committee.*

The following report was considered, the time within which the said committee was required to report having expired:—

Of the committee on Government Regulations, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, Senate, No. 2327) of Pamela P. Resor, Karyn E. Polito, Paul J. P. Loscocco and George N. Peterson, Jr. (by vote of the town) for legislation to authorize the town of Westborough to grant 3 additional licenses for the sale of all alcoholic beverages to be drunk on the premises.

There being no objection, the rules were suspended, on motion of Mr. Tisei, and the matter was considered forthwith.

Pending the question on accepting the report, on motion of Mr. Moore, the petition was recommitted to the committee on Government Regulations.

Subsequently, by Mr. Morrissey, for the committee on Government Regulations, on petition, a Bill authorizing the town of Westborough to grant 3 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2327) [Local approval received].

**The bill was read. There being no objection, the rules were suspended, on motion of Mr. Shannon, and the bill was read a second time and ordered to a third reading.**

#### **PAPERS FROM THE HOUSE.**

#### *Engrossed Bills.*

The following engrossed bills (the first two of which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President and laid before the Governor for his approbation, to wit:

Relative to the penalties for killing, maiming or poisoning an animal (see Senate, No. 198, amended);

Relative to municipal light plant department security deposits (see Senate, No. 2211);

Exempting frozen foods from item pricing requirements (see House, No. 490);

Increasing the time in which real property owned by the Central Berkshire County Development Corporation may be exempt from taxation (see House, No. 3749);

Relative to the use of certain funds by municipalities (see House, No. 4184, changed and amended);

Relative to the school department in the town of Fairhaven (see House, No. 4401, changed);

Relative to the position of town administrator in the town of Wayland (see House, No. 4784);

Relative to school building custodians in the city of Somerville (see House, No. 4957); and

Placing the health inspector under the supervision of the Division of Inspectional Services in the city of Somerville (see House, No. 4958).

*Bill Returned with Recommendation of Amendment.*

A message from His Excellency the Governor, returning, with recommendation of amendment, the engrossed Bill relative to fire safety in the Commonwealth (House, No. 4550, amended), which on Wednesday, August 4, 2004, had been laid before the Governor for his approbation,— came from the House with the endorsement that the House had adopted the amendment as approved by the House committee on Bills in the Third Reading, as follows:

By inserting after section 4 the following section:—

“SECTION 4A. Chapter 143 of the General Laws is hereby amended by inserting after section 97 the following section:—

Section 97A. (a) The board of building regulations and standards shall require the owner of any building or structure or portion thereof, that includes a place of business designed or used for occupancy as a nightclub, dance hall, discotheque, bar, or for similar entertainment purposes, with a capacity of 100 persons or more, and which includes 1 or more residential dwellings, to install an adequate system of automatic sprinklers throughout the building including, but not limited to, residential dwellings and in any common areas connected thereto, in accordance with the state building code. This section shall apply to the construction or substantial alteration of buildings or structures, approved by building permit on or after December 1, 2004. This paragraph shall not preclude the board of building regulations and standards from prescribing more stringent sprinkler requirements.

(b) Whoever is aggrieved by an interpretation, order, requirement, or direction of the building official under this section, or whoever is aggrieved by a failure of the building official to take action under this section, may, within 45 days after the service of notice of such interpretation, order, requirement, or direction, or after 45 days of such failure to act, appeal from such interpretation, order, requirement, direction, or failure to act to the building code appeals board as provided in section 100 of chapter 143.”;

In section 5, by striking out the second and third paragraphs of the proposed section 26G½ of chapter 148 of the General Laws and inserting in place thereof the following paragraph:—

“Every building or structure, or portions thereof, of public assembly, with a capacity of 100 persons or more, that is designed or used for occupancy as a nightclub, dance hall, discotheque, bar, or for similar entertainment purposes, including all rooms, lobbies, and other spaces connected thereto and all means of egress and entrances, including any such public assembly located within a mixed use building or structure, including a building or structure owned or controlled by the commonwealth or a political subdivision thereof, (a) which is existing, or (b) for which an approved building permit was issued before December 1, 2004, shall be protected throughout with an adequate system of automatic sprinklers, in accordance with the state building code.”;

In said section 5, in the first sentence of the fourth paragraph of the proposed section 26G½ of chapter 148, by striking out the words “first paragraph” and inserting in place thereof the following words:— “second paragraph”;

In said section 5, in the last sentence of said fourth paragraph of the proposed section 26G½ of chapter 148, by striking out the word “section” and inserting in place thereof the following word:— “paragraph”;

In said section 5, in said proposed section 26G½ of chapter 148, by adding the following paragraph:— “Except as provided in the third paragraph, the head of the fire department shall enforce this section.”;

In section 6, in the proposed section 34D of chapter 148, by inserting after the words “head of the” the following word:— “fire”;

In section 7, in the third sentence of section 5 of the proposed chapter 148A, by striking out, after the word “commonwealth”, the following words:— “; minus such stipend for the municipal hearing officers”;

By striking out section 10, and inserting in place thereof the following section:—

“SECTION 10. On or before June 1, 2005, the secretary of the executive office of economic affairs shall file with the house and senate committees on ways and means and with the clerks of the house of representatives and the senate a plan to reduce for owners the costs associated with implementing section 5 including, but not limited to, programs utilized by the Title V program and low-interest loans and tax credits.”;

In section 11, in the first sentence of the first paragraph by striking out the words “section 5” and inserting in place thereof the following words:— “the second paragraph of section 26G½ of chapter 148 of the General Laws”;

By striking out section 12; and

In section 13 by striking out the word “January” and inserting in place thereof the following word:— “March”.

The message (House, No. 5051) was read, and under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate for amendment and re-enactment.

**On motion of Mr. Tisei, the Senate concurred in the House amendment.**

There being no objection, at sixteen minutes before twelve o’clock noon, the Chair (Ms. Walsh) declared a recess; and at five minutes before two o’clock P.M., the Senate reassembled, Ms. Walsh in the Chair.

#### **PAPER FROM THE HOUSE.**

##### *Engrossed Bill.*

An engrossed Bill relative to fire safety in the Commonwealth (see House, No. 4550, amended) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted and was signed by the Acting President and again laid before the Governor for his approbation.**

##### *Order Adopted.*

On motion of Mr. Tisei,—

*Ordered*, That when the Senate adjourns today, it adjourn to meet again on Monday next at eleven o’clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

On motion of Mr. Tisei, at four minutes before two o’clock P.M., the Senate adjourned to meet on the following Monday at eleven o’clock A.M.