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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Monday, November 20, 2006.

Met at five minutes past eleven o'clock A.M. (Mr. Hart in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

The Chair (Mr. Hart), members, guests and employees then recited the pledge of allegiance to the flag.

Report.

A report of the Massachusetts Biologic Laboratories (under the provisions of Section 43(f) of Chapter 75 of the General Laws) submitting its tenth annual report on its activities for the fiscal year 2006 (received Thursday, November 16, 2006),— **was placed on file.**

Petition.

Mr. Augustus presented a petition (accompanied by bill, Senate, No. 2749) of Edward M. Augustus, Jr. and Karyn E. Polito (by vote of the town) for legislation to exempt the position of Chief of Police in the town of Shrewsbury from the civil service law [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Public Service. Sent to the House for concurrence.**

Reports of Committees.

By Mr. Montigny, for the committee on Bonding, Capital Expenditures and State Assets, on petition, a Bill authorizing the Division of Capital Asset Management and Maintenance to grant a certain permanent sewer easement to the town of Millbury (Senate, No. 2736);

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

By Mr. Moore, for the committee on Health Care Financing, on petition, a Bill clarifying coordination of the Diane Zaniboni Breast Cancer Research Fund (Senate, No. 2732);

Read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

PAPERS FROM THE HOUSE.

A message from His Excellency the Governor recommending legislation relative to the safety of law enforcement officials (House, No. 5335),— **was referred, in concurrence, to the committee on the Judiciary.**

Bills

Relative to life insurance companies (House, No 4973,— on Senate, No. 613 and House, No. 1526); and

Relative to the rates of interest to be charged upon apportioned betterment assessments for the extension of municipal sewer and water services to Plum Island (House, No. 5305, changed,— on petition);

Were severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

Bills

Relative to abatements in the city of Gloucester for fiscal year 2005 (House, No. 4125,— on petition) [Local approval received];
Relative to the geriatric authority of the city of Holyoke (House, No. 4866,— on petition) [Local approval received];
Authorizing the town of Wellesley to seek voter approval to assess taxes for the purpose of funding said Town's Group Insurance Liability Fund (House, No. 4872,— on petition) [Local approval received];
Relative to multiple office holding in the town of Burlington (House, No. 5140,— on petition) [Local approval received];
Authorizing the town of Wenham to grant certain alcoholic beverages licenses (House, No. 5333,— on House, No. 5142) [Local approval received on House, No. 5142]; and
Authorizing the town of Winchester to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 5334,— on House, No. 5284) [Local approval received on House, No. 5284];
Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—
Resolutions (filed by Mr. Creedon) “commending Fortunée Shaevitz”; and
Resolutions (filed by Ms. Walsh) “commending John J. Lyons.”

PAPER FROM THE HOUSE.

The House Bill relative to child labor (House, No. 4638, amended),— came from the House with the endorsement that the House had NON-concurred in the still further Senate amendment adding the following 2 sections:—

“SECTION 19. Said chapter 149 is hereby amended by inserting after section 105, as appearing in the 2004 Official Edition, the following section:—

Section 105½. (a) For purposes of this section ‘Entertainment production’ means and includes the following activities performed in the commonwealth: motion pictures of any kind using any format distributed in any medium, photography, recording, modeling, motion picture, theatrical or stage production, television production, commercial. production, voice-overs, publicity, rodeos, circuses, musical performances, or any other performance where minors perform to entertain the public.

(b) Notwithstanding any other general or special law to the contrary, a child under 18 years of age may be employed in entertainment production, provided the hours of work do not exceed the following:

(1) for a child at least 15 days old but less than 6 months of age, 3 hours at the place of employment with no more than 20 minutes of consecutive work, excluding meal breaks;

(2) for a child at least 6 months old but less than 2 years of age, 6 hours at the place of employment with no more than 2 hours of work and no more than 30 minutes of consecutive work, excluding meal breaks;

(3) for a child at least 2 years of age but less than 6 years of age, 6 hours at the place of employment with no more than 3 hours of work, excluding meal breaks;

(4) or a child at least 6 years of age but less than 9 years of age, 8 hours at the place of employment with no more than 5 hours of work, excluding meal breaks;

(5) for a child at least 9 years of age but less than 16 years of age, 9 hours at the place of employment with no more than 6 hours of work, excluding meal breaks.

(6) for a child at least 16 years of age but less than 18 years of age, 12 hours at the place of employment with no more than 9 hours of work, excluding meal breaks.

(c) The work day for a child under 18 years of age employed under this section shall begin no earlier than 5:00 a.m. and shall end not later than 10:00 p.m. on evenings preceding school days; but a child performer at least 8 years of age in a theatrical or stage production, circus, musical performance or other performance with a live audience may continue a performance until 12:00 midnight on an evening preceding a school day if the performance began before 10:00 p.m.. On evenings preceding non-school days, the child's work day shall end no later than 12:30 a.m. on the morning of the non-school day. A child shall have a 12-hour break between the end of work on one day and the beginning of the next work day. A child shall not work more than 6 consecutive days.

(d) Child performers shall be held to the hour requirements of subsections (b) and (c) and shall not be restricted by any other hour requirements.

(e) A child shall fulfill the educational requirements set forth by the department of education or by the state or country of his residence, if he is not a resident of the commonwealth. A child who has not completed the requirements and who is employed in entertainment production when school is in session shall be subject to the following requirements:

(1) An employer employing a child for 2 or more school days in a 30 day period shall provide a state certified teacher who has credentials issued by the department of education or recognized by the department of education. This requirement shall apply beginning on the second day that the child performer renders services for that employer and shall continue on each day thereafter that school is in session and the child is rendering services; but if the child has executed a contract with the employer to work for 2 or more school days in the next 30-day period, the requirement shall apply beginning on the first day of the child performer's employment. A child receiving instruction from a teacher as required by this section shall not be declared absent from school. The requirements of this section shall be applicable only when school is in session and the child performer is not receiving educational instruction due to his employment schedule. Local school districts shall retain the power to determine that a minor is meeting applicable educational standards.

(2) For any child performer under 16 years old employed under this section, a parent or legal guardian shall be present with and accompany the performer on the set or location of the entertainment production. A parent or legal guardian may designate in writing any person over 21 years old to serve as an accompanying guardian for purposes of this section.

(3) A child performer employed in an entertainment production under this section shall obtain a permit issued in accordance with this section and sections 86 to 88, inclusive. A child performer who resides in and attends school in the commonwealth shall obtain said permit from the attorney general, from the superintendent of schools in the town where the student resides or by a party authorized by the school committee of the town. A child performer who resides in, but does not attend school in the commonwealth shall obtain the permit from the attorney general once the attorney general receives, examines, approves and files all of the documents required by section 87 with the exception of a school record. A child performer who does not reside in or attend school in the commonwealth shall obtain the permit from the attorney general or from the appropriate issuing authority in the student's state or country of residence. If a child performer resides in a state or country that does not require child actors to obtain work permits, then the child performer shall obtain a work permit from the attorney general. The attorney general shall promulgate regulations pertaining to the application process for expedited or emergency permits to enable eligible performers to receive permits within 24 hours of submitting an application. A permit issued under this section shall be valid for employment by multiple employers and shall be valid for the longer of (i) the full duration of a child performer's service with an employer, or (ii) 6 months.

SECTION 220. Section 85P½ of chapter 231 of the General Laws, as so appearing, is hereby amended by striking out, in lines 42 and 43, the words 'and occurs during hours when attendance for instruction is not required in accordance with law'."

On motion of Mr. Tisei, the Senate receded from its amendment.

Reports of Committees.

By Ms. Jehlen, for the committee on Public Service, on petition, a Bill relative to the issuance of pension funding bonds by the city of Quincy (Senate, No. 2414) [Local approval received].

There being no objection, the rules were suspended, on motion of Mr. Knapik, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act authorizing the issuance of pension funding bonds by the city of Quincy".

Sent to the House for concurrence.

By Mr. Montigny, for the committee on Bonding, Capital Expenditures and State Assets, on petition, a Bill relative to the Railroad Depot Contamination Remediation and Redevelopment Project of the city of New Bedford (Senate, No. 2742).

There being no objection, the rules were suspended, on motion of Mr. Tisei, and the bill was read a second time.

Mr. Montigny presented an amendment in section 3, by striking out, in lines 12 and 13, the words "without the need for approval by the municipal finance oversight board".

The amendment was adopted.

The bill (Senate, No. 2742, amended) was then ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act authorizing the Railroad Depot Contamination Remediation and Redevelopment Project of the city of New Bedford".

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Committee of Conference.

The House Bill further regulating driver education and junior operator's licenses (House, No. 5064),— came from the House with the endorsement that the House had NON-concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2688, and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Wagner of Chicopee, O'Flaherty of Chelsea and Hill of Ipswich had been appointed the committee on the part of the House.

On motion of Mr. Knapik, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators Baddour, Creedon and Hedlund were appointed on the part of the Senate.

The bill was returned to the House endorsed accordingly.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5341) of Anthony Petrucci (with the approval of the mayor and city council) for legislation to increase the number of licenses for the sale of alcoholic beverages to be issued by the Licensing Board for the City of Boston;

Under suspension of Joint Rule 12, to the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 5342) of Vincent A. Pedone and others for legislation to establish a personal leave bank for Carol Denault, an employee of the Department of Mental Health at Worcester State Hospital;

Under suspension of Joint Rule 12, to the committee on Public Service.

Petition (accompanied by bill, House, No. 5343) of Christopher J. Donelan and Stanley C. Rosenberg for legislation to establish a sick leave bank for Lori Mazanec, an employee of the Trial Court of the Commonwealth;

Under suspension of Joint Rule 12, to the committee on Revenue.

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 (Mr. Hart) and laid before the Governor for his approbation, to wit:

Relative to lending limits (see Senate, No. 2540);

Requiring automatic external defibrillator devices in health clubs (see Senate, No. 2681); and

Relative to the membership of the Metropolitan Area Planning Council (see House, No. 3143).

An engrossed Bill establishing the Cohasset Library Trust, Inc. (see House, No. 4840, 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 (Mr. Hart) and again laid before the Governor for his approbation.

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill relative to child labor (see House, No. 4638, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 3 to 0

The bill was signed by the Acting President (Mr. Hart) and sent to the House for enactment.

Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been enacted in that branch.

The Senate then passed the bill to be enacted; and it was signed by the Acting President (Mr. Hart) and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Knapik,—

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

On motion of the same Senator, at eleven o'clock A.M., the Senate adjourned to meet on the following Wednesday at eleven o'clock A.M.