

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.



JOURNAL OF THE SENATE.

Thursday, July 10, 2008.

Met according to adjournment at one o'clock P.M. (Mr. Rosenberg in the Chair).

Distinguished Guests.

There being no objection, the President handed the gavel to Mr. Tarr for the purpose of an introduction. Mr. Tarr then introduced the Wilmington Company of Militia. The company, dressed in their re-enactment attire, was recognized and applauded for re-enacting scenes from the Revolutionary War in Wilmington, Massachusetts.

There being no objection, the President introduced in the rear of the Chamber, the Mayor of Gardner, Massachusetts, Mark Hawke. Mayor Hawke is a guest of Messrs. Antonioni and Brewer. The Senate welcomed the Mayor of Gardner with applause and he withdrew from the Chamber.

Petition.

Mr. Antonioni presented a petition (subject to Joint Rule 12) of Robert A. Antonioni and Jennifer L. Flanagan for legislation relative to retirement benefits for Jean Gould,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Reports of a Committee.

By Mr. Moore, for the committee on Health Care Financing, on Senate, Nos. 392, 418, 430, 433, 564, 599 and 681, an Order relative to authorizing the joint committee on Health Care Financing to make an investigation and study of certain current Senate documents relative to health care financing (Senate, No. 2792);

Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Galluccio, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Gloria Phillips, an employee of the Department of Public Health (Senate, No. 2787, changed by inserting at the end thereof the following sentence:— "Sick leave bank days may not be used for absences unrelated to the illness or disability that necessitated the adoption of this act as determined by the department of public health."); and

By Ms. Wilkerson, for the committee on State Administration and Regulatory Oversight, on petition (accompanied by bill, Senate,

No. 2780), a Bill relative to the Hynes Convention Center and the Boston Common Garage (Senate, No. 2793);

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

By Mr. Petrucci, for the committee on Municipalities and Regional Government, on the recommitted petition, a Bill designating a certain education center on Chickatawbut Hill in Milton as the Norman Smith Environmental Education Center at Chickatawbut Hill (Senate, No. 2720);

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

PAPERS FROM THE HOUSE.

Bills

Relative to the uniform probate code (House, No. 1633,— on Senate, No. 843 and House, No. 1652); and
Furthering the biofuels clean energy sector (House, No. 4951,— on House, No. 4821);

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

A Bill relative to the agreement among the states to elect the President by national popular vote (House, No. 4952,— on Senate, Nos. 445 and 452 and House, Nos. 678 and 710),— **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

A Bill authorizing the city of Fall River to increase the pension payable to Dennis O'Neil (House, No. 3980,— on petition) [Local approval received],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

A report of the committee on Housing, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4833) of Elizabeth A. Malia and Dianne Wilkerson (with the approval of the mayor and city council) for legislation to regulate evictions on certain foreclosed residential property in the city of Boston, and recommending that the same be referred to the committee on the Judiciary,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Recess.

There being no objection, at one minute past one o'clock P.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at eleven minutes past two o'clock P.M., the Senate reassembled, the President in the Chair.

The President, members, guests and employees then recited the pledge of allegiance to the flag.

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—
Resolutions (filed by Mr. Creedon) “congratulating Edward Michael Galante on the occasion of his retirement after 38 years of distinguished public service”;
Resolutions (filed by Messrs Moore and Brewer) “congratulating Michael D. Yacino on being named the 2008 recipient of the Francis W. Sargent Conservation Award”; and
Resolutions (filed by Mr. O'Leary) “honoring the dedication of the newly rebuilt Saint Peter the Apostle Church in Provincetown.”

Communications.

The Clerk read the following communications:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

July 7, 2008.

Senate Clerk, William Welch
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk,

I was absent from the Senate Chamber on Tuesday, June 24, 2008. I would like it to be noted that had I been here for the session I would have voted in the following manner:

Roll Call # 246 — I would have voted in the affirmative
Roll Call # 247 — I would have voted in the affirmative
Roll Call # 248 — I would have voted in the affirmative
Roll Call # 249 — I would have voted in the affirmative
Roll Call # 250 — I would have voted in the affirmative
Roll Call # 251 — I would have voted in the affirmative
Roll Call # 252 — I would have voted in the affirmative
Roll Call # 253 — I would have voted in the affirmative

I wish to have this statement read into the Senate Journal for the record. Thank you for your attention to this matter.

Sincerely,
PAMELA RESOR,
State Senator,
Middlesex and Worcester District.

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

July 7, 2008.

Senate Clerk, William Welch
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk,

I was absent from the Senate Chamber on Monday, June 30, 2008. I would like it to be noted that had I been here for the session I would have voted in the following manner:

Roll Call # 254 — I would have voted in the affirmative
Roll Call # 255 — I would have voted in the affirmative
Roll Call # 256 — I would have voted in the affirmative
Roll Call # 257 — I would have voted in the affirmative

I wish to have this statement read into the Senate Journal for the record. Thank you for your attention to this matter.

Sincerely,
PAMELA RESOR,
State Senator,
Middlesex and Worcester District.

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

July 7, 2008.

Senate Clerk, William Welch
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk,

I was absent from the Senate Chamber on Tuesday, July 1, 2008. I would like it to be noted that had I been here for the session I would have voted in the following manner:

Roll Call # 258 — I would have voted in the affirmative
Roll Call # 259 — I would have voted in the affirmative
Roll Call # 260 — I would have voted in the affirmative
Roll Call # 261 — I would have voted in the affirmative
Roll Call # 262 — I would have voted in the affirmative
Roll Call # 263 — I would have voted in the affirmative

I wish to have this statement read into the Senate Journal for the record. Thank you for your attention to this matter.

Sincerely,
PAMELA RESOR,
State Senator,
Middlesex and Worcester District.

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

July 7, 2008.

Senate Clerk, William Welch
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk,

I was absent from the Senate Chamber on Thursday July 3, 2008. I would like it to be noted that had I been here for the session I would have voted in the following manner:

Roll Call # 264 — I would have voted in the affirmative

Roll Call # 265 — I would have voted in the affirmative

I wish to have this statement read into the Senate Journal for the record. Thank you for your attention to this matter.

Sincerely,
PAMELA RESOR,
State Senator,
Middlesex and Worcester District.

On motion of Ms. Jehlen, the several above communications were ordered printed in the Journal of the Senate.

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Authorizing the city of Quincy to convey certain land (Senate, No. 2724);
Relative to the city of Quincy Sewerage Rehabilitation Fund (Senate, No. 2725);
Relative to the Department of Public Works of the town of Ware (Senate, No. 2731);
Establishing a revolving fund in the town of Ware (Senate, No. 2732);
Authorizing the town of Weymouth to transfer certain water supply land (Senate, No. 2734);
Authorizing the town of Wareham to issue eight (8) additional licenses for the sale of all-alcoholic beverages to be drunk on the premises (Senate, No. 2741);
Relative to the terms of certain bonds of the city of Revere to be issued to finance the construction of the city of Revere new police headquarters and east fire station (House, No. 4555); and
Authorizing the sale of certain land by the city of Haverhill in the town of Boxford (House, No. 4890);
Were severally read a second time and ordered to a third reading.

The House Bill relative to real property tax deferrals in the town of Lexington (House, No. 4262),— **was read a second time and ordered to a third reading. There being no objection, the rules were suspended, on motion of Ms. Menard, and the bill was read a third time and passed to be engrossed, in concurrence.**

The House Bill establishing a board of water and sewer commissioners in the town of Plainville (House, No. 4685),— **was read a second time and ordered to a third reading. There being no objection, the rules were suspended, on motion of Mr. Knapik, and the bill was read a third time and passed to be engrossed, in concurrence.**

The House bills

Establishing a sick leave bank for Richard K. Ward II, an employee of the Department of Correction (House, No. 4819) (its title having been changed by the committee on Bills in the Third Reading); and
Establishing a sick leave bank for Shannon Crouse, an employee of the Trial Court (House, No. 4866, amended);
Were severally read a third time and passed to be engrossed, in concurrence, with the amendments previously adopted by the Senate.
Severally sent to the House for concurrence in the amendments.

The House Bill establishing and funding the Massachusetts Broadband Institute (House, No. 4864, amended),— **was read a third time.**

Subsequently, pending the question on passing the bill to be engrossed, Mr. Montigny moved that the bill be amended section 6, in proposed section 6D of chapter 40J, by adding the following 2 subsections:

“(l) Actions of the board may take effect immediately and notice thereof shall be published and posted. Meetings of the board shall be subject to section 11A½ of chapter 30A. Documentary materials, records, or data made or received by a member of the board or director or employee of the corporation including commercial or financial information regarding the operation of any business conducted by an entity with which the institute or corporation engages in furtherance of the purposes of the institute, shall be public records of the institute or the corporation and shall be subject to section 10 of chapter 66. The operations of the institute shall be subject to chapter 268A and chapter 268B.

(m) All contracts and agreements by and between the institute and any other party shall be subject to chapters 7, 30, 149 and 149A.”; and by striking out section 7 and inserting in place thereof the following section:—

Section 7. To meet the expenditures necessary to carry out section 2, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, \$40,000,000.

All bonds issued by the commonwealth as aforesaid shall be designated on their face, Promotion and Improvement of Broadband Access Loan Act of 2008, and shall be issued for a maximum term of years, not exceeding 20 years. All such bonds shall be payable not later than June 30, 2032. No authorization shall be expended unless expressly authorized by the secretary of administration and finance. All interest and payments on account of principal of such obligations shall be payable from the General Fund. Bonds issued under the authority of this section shall be general obligations of the commonwealth.”

After debate, the amendment was adopted.

After further debate, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at a quarter past three o’clock P.M., on motion of Mr. Downing, as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 267**]:

YEAS.	
Antonioni, Robert A.	Buoniconti, Stephen J.
Augustus, Edward M., Jr.	Candaras, Gale D..
Baddour, Steven A.	Chandler, Harriette L.
Berry, Frederick E.	Creedon, Robert S., Jr.
Brewer, Stephen M.	O’Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Downing, Benjamin B.	Panagiotakos, Steven C.
Fargo, Susan C.	Petrucelli, Anthony
Galluccio, Anthony D.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Hedlund, Robert L.	Spilka, Karen E.
Jehlen, Patricia D..	Tarr, Bruce E.
Joyce, Brian A.	Timilty, James E.
Knapik, Michael R.	Tisei, Richard R.
McGee, Thomas M.	Tolman, Steven A.
Menard, Joan M.	Tucker, Susan C.
Montigny, Mark C.	Walsh, Marian
Moore, Richard T.	Wilkerson, Dianne — 37.
Morrissey, Michael W.	
NAYS — 0.	

ABSENT OR NOT VOTING.	
Creem, Cynthia Stone	Marzilli, Jim — 2.

**The yeas and nays having been completed at twenty-one minutes past three o'clock P.M., the bill was passed to be engrossed, in concurrence, with above amendment and the amendment previously adopted by the Senate [For text of the Senate amendment see Senate, No 2796, printed as amended].
Sent to the House for concurrence in the amendment.**

There being no objection, during consideration of the Orders of the Day, several matters were considered, as follows:

Matters Taken Out of the Notice Section of the Calendar.

There being no objection, the following matters were taken out of the Notice Section of the Calendar and considered as follows:
The Senate Bill that the town of Walpole be authorized to release a portion of a conservation restriction within said town (House, No. 4902),— **was read a second time.**

Mr. Timilty moved that the bill be amended, in section 1, by inserting after the word “fencing”, in the third sentence, the following words:— “; underground utilities, above ground utilities, driveways, drainage facilities”.

The amendment was adopted.

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

The House Bill authorizing the town of Chatham to grant 2 additional licenses for the sale of all alcoholic beverages (House, No. 4522) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed, in concurrence.**

Reports of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill authorizing the Division of Capital Asset Management and Maintenance to grant an easement in certain land in the town of Holden (Senate, No. 2420),— **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2794).**

There being no objection, the rules were suspended, on motion of Mr. Brewer, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2794) was then ordered to a third reading.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Alice Eldridge, an employee of the Department of Revenue (Senate, No. 2745),— ought to pass, with an amendment by inserting at the end thereof the following:— “Sick leave bank days may not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the department.”; and by inserting before the enacting clause the following emergency preamble:—

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to establish a sick leave bank for a certain employee of the department of revenue, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

There being no objection, the rules were suspended, on motion of Ms. Fargo, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2745, amended) was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill authorizing the Commissioner of Capital Asset Management and Maintenance to transfer control of a certain parcel of land (House, No. 4202),— **ought to pass,**

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

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill relative to early education and care (House, No. 4706), ought to pass, with amendments

By striking out section 4;

By inserting after section 6 the following section:—

“Section 6A. The second paragraph of section 215 of said chapter 6, as appearing in section 13 of chapter 176 of the acts of 2008, is hereby amended by striking out the words ‘day care’ and inserting place thereof the following words:— child care.”;

In section 21, by striking out the definition of “Family foster care” and inserting in place thereof the following definition:—
“Family foster care”, substitute parental care in a family given in a private residence for up to 6 children under 18 years of age on a regular, 24-hour-a-day, residential basis by anyone other than a relative by blood or marriage, but the care may be provided for more than 6 children, provided that such placement is approved by the commissioner of the department of children and families, in order to place siblings in the same residence.”;

In section 36, in the second sentence of subsection (a) of the proposed section 8 of chapter 15D of the General Laws, by striking out the words “social services” and inserting in place thereof the following words:— “children and families”;

In section 36, in the proposed section 9 of chapter 15D of the General Laws by striking out subsection (c) and inserting in place thereof the following subsection:—

“(c) The department shall promptly investigate and evaluate any notice transmitted to the department of children and families under subsection (1) of section 512 of chapter 119. Such investigation and evaluation shall determine whether the facility being operated by a person subject to licensure or approval under this section is being operated in compliance with this chapter and within the rules and regulations established under this chapter. If, during the course of any investigation or licensing study conducted by the department, any agent or employee of the department receives or discovers information concerning the occurrence of child abuse or neglect, such agent or that employee shall make a report to the department of children and families under section 51A of chapter 119.”;

In section 36, by striking out the proposed section 16 of chapter 15D of the General Laws, and inserting in place thereof the following section:—

“Section 16. Upon petition of the department, the superior court shall have jurisdiction to enter an order permitting the department to enter and inspect, under conditions that the court considers appropriate, a facility operated by a person whom the department has probable cause to believe is subject to licensure or approval under this chapter.”;

By striking out section 39;

By striking out section 40 and inserting in place thereof the following section:—

“SBCTION 40. The fourth sentence of the fourth paragraph of section 13 of said chapter 18 B, as amended by section 37 of chapter 176 of the acts of 2008, is hereby further amended by striking out the words “, 2 members at the time of their appointment shall be members of the local councils for children established under section 7 of chapter 28A”;

By striking out section 57;

By striking out section 65;

By inserting after section 66 the following 2 sections:—

“SECTION 66A. The definition of ‘Child in need of services’ in said section 21 of said chapter 119, as amended by section 83 of chapter 176 of the acts of 2008, is hereby further amended by striking out the figure ‘16’ and inserting in place thereof the following figure:— 17.

SECTION 66B. The definition of ‘Mandated reporter’ in section 21 of said chapter 119, as amended by section 83 of chapter 176 of the acts of 2008, is hereby further amended by striking out the words ‘family day care systems’ and inserting in place thereof the following words:— family child care systems.”;

By striking out sections 67 and 68; and

By striking out sections 70, 71, 72 and 73;

In section 97, by striking out the date “June 30” and inserting in place thereof the following date:— “August 15”; and by adding the following section:—

“SECTION 98. Section 66A shall take effect as of July 8, 2008.”.

There being no objection, the rules were suspended, on motion of Mr. Antonioni, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

After remarks, the bill, as amended, was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at six minutes before three o'clock P.M., on motion of Mr. Tisei, as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 266**]:

YEAS.	
Antonioni, Robert A.	Buoniconti, Stephen J.

Augustus, Edward M., Jr.	Candaras, Gale D..
Baddour, Steven A.	Chandler, Harriette L.
Berry, Frederick E.	Creedon, Robert S., Jr.
Brewer, Stephen M.	O’Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Downing, Benjamin B.	Panagiotakos, Steven C.
Fargo, Susan C.	Petrucelli, Anthony
Galluccio, Anthony D.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Hedlund, Robert L.	Spilka, Karen E.
Jehlen, Patricia D..	Tarr, Bruce E.
Joyce, Brian A.	Timilty, James E.
Knapik, Michael R.	Tisei, Richard R.
McGee, Thomas M.	Tolman, Steven A.
Menard, Joan M.	Tucker, Susan C.
Montigny, Mark C.	Walsh, Marian
Moore, Richard T.	Wilkerson, Dianne — 37.
Morrissey, Michael W.	
NAYS — 0.	
ABSENT OR NOT VOTING.	
Creem, Cynthia Stone	Marzilli, Jim — 2.

The yeas and nays having been completed at three minutes before three o’clock P.M., the bill was passed to be engrossed, in concurrence, with the amendment. [For text of Senate amendment see Senate, No. 2797.] Sent to the House for concurrence in the amendment.

The House Bill financing improvements to the Commonwealth’s transportation system (House, No. 4846),— was read a second time.

The pending amendment; previously recommended by the committee on Ways and Means striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2790,— **was considered.**

Mr. Montigny moved that the bill be amended, in section 2A, in line 465, by inserting after the words “South Coast Rail Initiative” the following words:— “provided further that notwithstanding the provisions of any general or special law to the contrary, said authority may expend funds authorized in this act, and additional funds previously authorized, including but not limited to, the amounts appropriated in item 6005-9906 of section 2 of chapter 125 of the acts of 2000 for the design, permitting and construction of the South Coast Rail line for the area south of the site known as Cotley Junction; provided further that notwithstanding the foregoing provisions, funds shall not be expended on the South Coast Rail Initiative for bus projects, vehicle procurement or layover facilities”.

The amendment was adopted.

Mr. Moore moved that the bill be amended by inserting the following new section:

“SECTION X. The Massachusetts Highway Department shall submit a report to the house and senate clerks, the house and senate committees on ways and means, the joint committee on bonding, capital expenditures and state assets, and the joint committee on

transportation not later than June 30, 2009 on the cost and feasibility of installing rumble strips on all state-owned highways in the commonwealth. Said report shall include the cost and feasibility of installing rumble strips on all rural highway projects where shoulders are constructed, reconstructed, or overlaid. The report shall include the evaluation of the placement or center line rumble strips at locations with a high head on crash accident rate and on which no reconstruction is scheduled in the near future.”

The amendment was adopted.

Mr. Moore moved that the bill be amended in item 6033-0817, by striking out, in line 311, the following:— “; provided further that \$850,000 shall be expended for the planning and design of Segment 1 of the Blackstone Valley Bikeway;”.

The amendment was adopted.

Mr. Moore moved that the bill be amended, in item 6033-0817, by striking out, in line 41, the amount “\$6,500,000” and inserting therein the amount “\$2 million”; in item 6033-0817, by adding the following:— “; provided further that \$3.7 million shall be expended for pedestrian, vehicular and rail access, and streetscape improvements in downtown Uxbridge;”; and in item 6033-0817, by adding the following:— “; provided further that not less than \$50,000 shall be reimbursed to the Town of Oxford for traffic light design at the intersection of Cudworth Road and Route 12;”.

The amendment was adopted.

Ms. Jehlen moved that the bill be amended, in section 2, in item 6033-0817, by inserting after the words “Willis Avenue in the city of Medford” the following:— “; provided further that \$200,000 shall be allotted to contract with the Metropolitan Area Planning Council to provide services to the cities of Medford, Somerville, Winchester and Arlington to develop a corridor plan along the planned Green Line Extension, covering issues such as land use, zoning, access to stations, and other issues which may be of concern to said cities or residents of neighboring municipalities.”; and in said item by striking out the figure “\$401,500,000” and inserting in place thereof the following figure:— “\$401,700,000”.

The amendment was rejected.

Ms. Jehlen moved that the bill be amended, in section 2, in item 6033-0817, by inserting after the words “coastal Essex County” the following:— “provided that not less than \$4,500,000 shall be expended for the New Boston Street Bridge (Bridge Number W-43-5) in the city of Woburn”; and in said item by striking out the figure “\$401,500,000” and inserting in place thereof the following figure:— “\$406,000,000”.

The amendment was rejected.

Ms. Jehlen moved that the bill be amended, in section 2, in item 6033-0817, by inserting after the words “city of Lawrence” the following:— “; provided that not less than \$11,000,000 be expended for the design and construction of sound barriers along Routes 128 and 93 and the interchange between the two, as well as the area adjacent to the Winn Street exit ramps in the Town of Burlington and the City of Woburn”; and in said item by striking out the figure “\$401,500,000” and inserting in place thereof the following figure:— “\$412,500,000”.

The amendment was rejected.

Mr. Augustus and Ms. Chandler moved that the bill be amended, in section 2A, in item 6033-0817, by inserting, at the end thereof, the following:— “provided further, that not less than \$800,000 shall be expended for the construction of the Francis R. Carroll Intersection and Plaza in the city of Worcester;”.

The amendment was adopted.

Mr. Augustus and Ms. Chandler moved that the bill be amended, in section 2A, in item 6033-0817, by adding, at the end thereof, the following:— “; provided further, that not less than \$350,000 shall be expended for infrastructure and road work at the Gateway Park Economic Development Zone in the city of Worcester”.

The amendment was adopted.

Ms. Jehlen moved that the bill be amended, in section 2, in item 6033-0817, by inserting after the words “town of Avon” the following:— “; provided that not less than \$800,000 shall be expended for the design and construction of traffic signals at the intersection of Main Street and route 16, South Street and Mystic Avenue in the city of Medford”; and in said item by striking out the figure “\$401,500,000” and inserting in place thereof the following figure:— “\$402,300,000”.

The amendment was adopted.

Mr. Augustus moved that the bill be amended, in section 2A, in item 6033-0817, by inserting, at the end thereof, the following:— “; provided further that not less than \$500,000 shall be expended for the purpose of installing noise barriers along the Massachusetts Turnpike in the town of Grafton”.

The amendment was rejected.

Mr. Augustus moved that the bill be amended, in section 2A, in item 6033-0817, by inserting, at the end thereof, the following:— “; provided further, that not less than \$250,000 shall be expended for the purpose of installing sound barriers along the southerly eastbound side of route 290 in the town of

Shrewsbury;”.
The amendment was rejected.

Mr. Augustus moved to amend the bill in section 2A, in item 6033-0817, by inserting, at the end thereof, the following:— “; provided further that not less than \$50,000 shall be expended to the Town of Millbury for storm water runoff drainage repairs and improvements”.

The amendment was adopted.

Ms. Resor moved to amend the bill by inserting at the end thereof the following three sections:

“SECTION 1. Chapter 21E of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting the words ‘or the executive office of transportation and public works’ after the word ‘Authority’ wherever it appears in the definition of ‘Economically distressed area’ and in clauses (a)(10), (d)(1) and (d)(3)(F) of the definition of ‘Owner’ or ‘Operator’ in section 2.

SECTION 2. Section 3I of chapter 23A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking subsection (b) and inserting in place thereof the following subsection:

(b) Unless specifically required by federal law in connection with any grant for construction of such a rail-trail, a municipality that has applied for and received a grant and has purchased the environmental insurance as described in subsection (a) shall not be required to furnish to the Massachusetts Bay Transportation Authority, the executive office of transportation and public works, or any person having an interest in the rail-trail project site, any other form of environmental insurance, or any defense, indemnification or hold harmless agreement with respect to any claims, injuries, costs, damages or other relief arising out of or related to the pre-existing release or threat of release of oil or hazardous materials, as those terms are defined in chapter 21E, at or from the project site in connection with the design, acquisition, construction, use or maintenance of the rail-trail for which the application is made.

SECTION 3. Said section 3I of said chapter 23A, as so appearing, is hereby further amended by inserting at the beginning of subsection (c) the following sentence:— The provisions of this section shall only apply to rail-trail projects on land in which a city or town acquires or has acquired an interest by deed, easement, lease, license or otherwise, from the Massachusetts Bay Transportation Authority or the executive office of transportation and public works or either’s successor agency for purposes of the design, installation, construction, operation, maintenance or use of a rail-trail, defined in section 2 of chapter 21E.”

The amendment was adopted.

Ms. Resor moved to amend the bill in section 2A by inserting in item 6033-0817 the following:— “; provided further, that \$6,000,000 shall be expended for the widening and improvements to route 85 Washington Street corridor in the town of Hudson;”.

The amendment was adopted.

Ms. Jehlen moved that the bill be amended, in section 2, in item 6033-0817, by inserting after the words “North Avenue and Hastings” the following:— “; provided further that \$500,000 shall be expended for the repair and rehabilitation of the bridge across the Aberjona River on Mount Vernon Street in the Town of Winchester”; and in said item by striking out the figure “\$401,500,000” and inserting in place thereof the following figure:— “\$402,000,000”.

The amendment was rejected.

Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved that the bill be amended by adding the following new section:— “SECTION 60. There is hereby established a special commission to study and develop recommendations for the fiscal feasibility to reduce debt and debt financing relative to operations and maintenance of the Massachusetts turnpike. Said commission shall review all options for the long-term financing of operations and maintenance of the turnpike, including but not limited to the leasing or concessioning of the turnpike for a term not to exceed 50 years. Membership of said commission shall consist of the secretary for administration and finance or designee, who shall also serve as chair, the secretary of transportation or designee, the chairman of the Massachusetts turnpike authority, the comptroller or designee, the auditor or designee, the senate president or designee, the speaker of the house of representatives or designee, the house minority leader or designee, the senate minority leader or designee, the chairs of the house and senate committees on ways and means or designees, the and the chairs of the joint committee on transportation. The commission shall convene its first meeting by August 15, 2008, and file a report, with any legislative or regulatory recommendations, with the clerks of the senate and the house of representatives and the joint committee on transportation on or before December 15, 2008.”

The amendment was adopted.

Ms. Fargo moved that the bill be amended, in section 2A, in item 6033-0817, by inserting the following wording:— “provided further, that \$469,000 shall be expended for replacement of infrastructure and culverts located on Meadowbrook Road in the town of Chelmsford;”.

The amendment was adopted.

Mr. Buoniconti moved that the bill be amended, in item 6033-0817, by inserting at the end thereof the following:— “; provided further, that not less than \$700,000 shall be expended for the design, reconstruction and signalization of Amostown Road at the

Dewey Street intersection in the city of West Springfield;”.

The amendment was rejected.

Ms. Fargo moved that the bill be amended, in section 2A, in item 6033-0817, by inserting the following wording:— “provided further, that \$770,000 shall be expended for repairs and improvements to the Nashawtuc Bridge in the town of Concord;”.

The amendment was rejected.

Ms. Fargo moved that the bill be amended, in section 2A, in item 6033-0817, by inserting the following wording:— “provided further, that \$50,000 shall be expended for a comprehensive study of downtown Waltham parking conditions, requirements and recommendations;”.

The amendment was rejected.

Ms. Fargo moved that the bill be amended, in section 2A, in item 6033-0817, by inserting the following wording:— “provided further, that \$1,500,000 shall be expended for the design and roadway reconstruction, traffic signal and related improvements to the intersection of Trapelo Road and Forest Street in the city of Waltham;”.

The amendment was adopted.

Ms. Fargo moved that the bill be amended, in section 2A, in item 6033-0817, by inserting the following wording:— “provided further, that \$1,300,000 shall be expended for the reconfiguration project at the intersection of Wellesley Street and Route 30 in Weston;”.

The amendment was adopted.

Ms. Menard moved to amend the bill in section 2A, in item 6033-0817, by adding the following words: “; and provided further, that not less than \$500,000 shall be expended for a design study of a full cloverleaf at exit 3 off of interstate highway route 195 at state highway route 118 in the town of Swansea”.

The amendment was adopted.

Ms. Menard moved to amend the bill in section 2A, in item 6033-0817, by inserting the following:— “provided further, that \$500,000 shall be expended for the installation of a traffic signal or roundabout at the intersection of Mason street, County street and Chase street in the town of Freetown”.

The amendment was adopted.

Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved that the bill be amended by adding at the end thereof the following:— “SECTION 60. The Massachusetts Turnpike Authority shall issue quarterly reports to the secretary for administration and finance, house and senate committees on ways and means, the joint committee on transportation and the joint committee on bonding, capital expenditures and state assets, detailing the financial transactions and revenues associated with the sale, concession, or lease of real property held in the name of or under the control of the authority, whether by purchase or otherwise, and any transactions relating to real property currently pending; provided further, that said quarterly report shall include the current market values of the real properties related to said transactions.

For the first quarterly report submitted pursuant to this section for fiscal year 2009, the authority shall include the current market value of all real property held in the name of or subject to the control of the authority pursuant to this chapter, and the current market value of any real property held in the name of or under the control of the authority that were acquired, whether by purchase or otherwise, during fiscal year 2008.”

The amendment was adopted.

Ms. Menard moved that the bill be amended, in section 2A, in item 6033-0817, by adding the following:— “provided further, that \$7,000,000 shall be expended for resurfacing and related work on State Highway route 6 in the town of Westport”.

The amendment was adopted.

Ms. Jehlen moved that the bill be amended, in section 2, in item 6001-0804, by inserting after the words “Town of Wareham” the following:— “provided further that \$250,000 shall be expended for the design and construction of a pedestrian footbridge adjacent to the Wedgemere Commuter Rail Station in the Town of Winchester”; and in said item by striking out the figure “\$115,000,000” and inserting in place thereof the following figure:— “\$115,250,000”.

The amendment was rejected.

Mr. Buoniconti moved that the bill be amended in item 6033-0817 by inserting at the end thereof the following words:— “; and provided further that not less than \$500,000 shall be expended for roadway and signalization improvements at the intersection of Route 187 and Route 57 and Springfield Street in Agawam;”.

The amendment was adopted.

Mr. Downing moved that the bill be amended, in section 2A, in item 6033-0817, by inserting the following:— “provided further, that not less than \$600,000 be made available for the rehabilitation of the Keystone Arches Bridges in the towns of Middlefield,

Becket, and Washington”.
The amendment was rejected.

Mr. Downing moved that the bill be amended, in section 2A, in item 6033-0817, by inserting the following:— “provided further, that \$1,000,000 shall be expended for the Main Street economic development project in the town of Lee”.
The amendment was adopted.

Mr. Downing moved that the bill be amended, in section 2A, in item 6033-0817, by inserting the following:— “provided further, that \$300,000 be expended for replacing the salt shed in the town of Monterey”.
The amendment was rejected.

Mr. Downing moved that the bill be amended, in section 2A, in item 6006-0801, by inserting after “General Laws” the following:— “provided further, that \$2,500,000 shall be expended for the runway expansion at Pittsfield Municipal Airport”.
The amendment was adopted.

Mr. Brewer moved to amend the bill in section 2, in item 6033-0817, by inserting at the end thereof the following:— “; provided further, that \$4,500,000 shall be expended for the construction of the reclamation of Route 32 Project from the Athol town line to the NH state border”.
The amendment was adopted.

Mr. Downing moved that the bill be amended, in section 2A, in item 6033-0817, by inserting the following:— “provided further, that not less than \$9,000,000 shall be expended for the resurfacing of route 116 in the town of Savoy”.
The amendment was rejected.

Mr. Downing moved that the bill be amended, in section 2A, in item 6033-0817, by inserting the following:— “provided further, that \$850,000 shall be expended for an engineering study, design, and construction for a traffic signal and intersection improvements on Route 9 in the town of Williamsburg”.
The amendment was rejected.

Mr. Brewer moved to amend the bill, in section 2, in item 6033-0817, by inserting at the end thereof the following:— “provided further, that not less than \$2,500,000 shall be expended for the redesign and construction of the Rt. 12/202 interchange in Winchendon at Blair Square”.
The amendment was adopted.

Mr. Downing moved that the bill be amended, in section 2A, in item 6033-0817, by inserting the following:— “provided further, that not less than \$800,000 shall be extended for emergency repairs to McNearney Road in the town of Becket”.
The amendment was rejected.

Ms. Creem and Mr. Brown moved to amend the bill, in section 2A, in item 6033-0817, by adding the following:— “provided further, that not less than \$1,000,000 shall be expended for the construction of a Waban Noise Barrier on the east side of I-95 in Newton between Washington Street (Route 16) and the Charles River and in Wellesley between Charles River and Rosemary Brook;”.
The amendment was adopted.

Ms. Creem and Mr. Brown moved to amend the bill, in section 2A, in item 6033-0817, by adding the following:— “provided further, that \$2,000,000 shall be expended for the Rockland Street Bridge in Wellesley;”.
The amendment was rejected.

Ms. Creem moved that the bill be amended, in section 2A, in item 6033-0817, by adding the following:— “provided further, that not less than \$1,000,000 shall be expended for the construction of an Auburndale Noise Barrier located in West Newton and under the jurisdiction of the Mass Turnpike Authority;”.
The amendment was adopted.

Mr. Hart moved that the bill be amended, in section 2A, in item 6033-0817, by striking the words “Gallivan boulevard and Adams street” and inserting in place thereof the following:— “Gallivan boulevard, Granite avenue, and Adams street”.
The amendment was adopted.

Mr. Hart moved that the bill be amended, in section 2A, in item 6033-0817, by inserting after the word “Lincoln” the following:— “provided that not less than \$100,000 shall be expended to facilitate transportation needs on Columbia Road in the South Boston section of the city of Boston”.
The amendment was adopted.

Mr. Petrucci moved to amend the bill by inserting after section 59 the following new section:—

“SECTION 60. Notwithstanding anything in the general or special laws to the contrary, the Massachusetts turnpike authority is authorized and directed to undertake and complete, subject to the owners’ consent and including providing the owners with assistance in securing any required zoning approvals or other permits and authorizations, the relocation of the outdoor advertising signs located within the so-called Bremen Street Park or the East Boston Greenway in the East Boston section of the city of Boston to land owned by the authority within the metropolitan highway system, as that term is defined in chapter 81A or the general laws, provided that no relocation expenses shall be paid to the owners of said outdoor advertising signs, and provided further that said relocation shall be complete in its entirety no later than December 31, 2009.”

The amendment was adopted.

Mr. Hart moved that the bill be amended, in section 2G, by inserting after the item 6000-0500 the following item:—

“6000-XXXX For the design and construction of a haul road from the Massachusetts Port Authority’s Conley Terminal in the city of Boston 8,000,000”;

and in section 45, by striking out the figure “\$25,366,500” and inserting in place thereof the following figure:— “\$33,366,500”.

The amendment was adopted.

Ms. Jehlen moved that the bill be amended, in section 2, in item 6033-0817, by inserting after the words “town of Braintree” the following:— “provided further that \$5,000,000.00 shall be expended to conduct a traffic study at Wellington Circle”; and in said item by striking out the figure “\$401,500,000” and inserting in place thereof the following figure:— “\$406,500,000”.

The amendment was rejected.

Mr. Tarr moved that the bill be amended by inserting after section 2G the following new section:—

“EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS.

Division of Energy Resources.

7006-1003 For the planning, design and construction of alternative fuel refueling stations on the site of land owned or controlled by the commonwealth or a regional transit authority with a minimum useful life of 5 years, and for financial assistance to cities and towns, school districts and regional transit authorities for the acquisition of alternative fuel vehicles and hybrids with a minimum useful life of 3 years; provided, that the commonwealth or a regional transit authority may enter into agreements or contracts with providers and distributors of alternative fuels necessary to carry out the purposes of this act 10,000,000”.

The amendment was rejected.

Mr. Tarr moved that the bill be amended, in section 2A, in item 6033-0817, by adding at the end the following words:— “and provided further, that not less than \$144,000 shall be expended for the reimbursement to the Town of Boxford for the repair of the Parker River culvert on Route 133 in the town of Boxford”.

The amendment was rejected.

Mr. Tarr moved that the bill be amended, in section 2A, in item 6033-0817, by adding at the end the following words:— “and provided further, that not less than \$300,000 shall be expended for the resurfacing of Route 97 in the town of Boxford”.

The amendment was rejected.

Mr. Tarr moved that the bill be amended, in section 2A, in item 6033-0817, by adding at the end the following words:— “and provided further, that not less than \$75,000 shall be expended for the construction of sidewalks on Story Street to facilitate safe passage to and from the Essex Elementary School in the town of Essex”.

The amendment was rejected.

Mr. Tarr moved that the bill be amended, in section 2A, in item 6033-0817, by adding at the end the following words:— “and provided further, that not less than \$300,000 shall be expended for the design and road reconstruction of a portion of Route 127 known as East Main Street in the city of Gloucester”.

The amendment was rejected.

Mr. Tarr moved that the bill be amended, in section 2A, in item 6033-0817, by adding at the end the following words:— “and provided further, that not less than \$1,500,000 shall be expended for the design and road reconstruction of a portion of Route 127 known as Eastern Avenue in the city of Gloucester”.

The amendment was rejected.

Mr. Tarr moved that the bill be amended, in section 2A, in item 6033-0817, by adding at the end the following words:— “and provided further, that not less than \$4,000,000 shall be expended for the planning, design and construction of enhanced parking facilities in the city of Gloucester”.

The amendment was rejected.

Mr. Tarr moved that the bill be amended, in section 2A, in item 6033-0817, by adding at the end the following words:— “and provided further, that not less than \$1,750,000 shall be expended for the design and road reconstruction of a portion of Route 127 known as Washington Street in the city of Gloucester”.

The amendment was rejected.

Mr. Tarr moved that the bill be amended, in section 2A, in item 6033-0817, by adding at the end the following words:— “and provided further, that funds shall be expended for the restoration of the Mill Road Bridge in the town of Hamilton”.

The amendment was rejected.

Mr. Tarr moved that the bill be amended, in section 2A, in item 6033-0817, by adding at the end the following words:— “and provided further, that not less than \$10,000,000 shall be expended for the replacement of the commuter rail station in the town of Rockport”.

The amendment was rejected.

Mr. Tarr moved that the bill be amended, in section 2A, in item 6001-0804, by adding at the end the following words:— “and provided further, that not less than \$10,000,000 shall be expended for the replacement of the commuter rail station in the town of Rockport”.

The amendment was adopted.

Mr. Tarr moved that the bill be amended, in section 2A, in item 6033-0817, by adding at the end the following words:— “and provided further, that not less than \$170,693 shall be expended for reimbursements to the town of Rowley for the replacement of bridges damaged by flooding in 2006”.

The amendment was rejected.

Mr. Tarr moved that the bill be amended, in section 2A, in item 6033-0817, by adding at the end the following words:— “and provided further, that not less than \$150,000 shall be expended for the installation of a traffic signal at the intersection of Route 1, Central Street, and Glen Street in the town of Rowley”.

The amendment was rejected.

Mr. Tarr moved that the bill be amended, in section 2A, in item 6033-0817, by adding at the end the following words:— “and provided further, that funds shall be expended for the construction of sidewalks on Route 113 to facilitate safe passage to and from the Page Elementary School and the Pentucket Regional High School and Middle School complex in the town of West Newbury”.

The amendment was rejected.

Ms. Spilka moved that the bill be amended, in section 2A, in item 6033-0817, by inserting in line 53 after the word “Cambridge;” the following words:— “; provided further, that not less than \$1,000,000 shall be expended for the planning and design for grade separation at the train crossing in downtown Ashland;”.

The amendment was adopted.

Ms. Spilka moved that the bill be amended, in section 2A, in item 6033-0817, by inserting in line 50 after the words “route 28;” the following words:— “; provided further, that not less than \$2,000,000 shall be expended for the planning and design for grade separation at the 126/135 interchange in Framingham;”.

The amendment was adopted.

Ms. Spilka moved to amend the bill, in section 2A, in item 6033-0817, by inserting at the end thereof the following words:— “; provided further, that not less than \$4,500,000 shall be expended for the construction of a parking garage in downtown Framingham.”.

The amendment was rejected.

Ms. Spilka moved that the bill be amended, in section 2A, in item 6033-0817, by inserting in line 275 after the words “extension project” the following words:— “; provided further, that not less than \$975,000 shall be expended for the acquisition of property in Framingham from CSX to complete the regional Bruce Freeman Rail Trail;”.

The amendment was rejected.

Ms. Spilka moved that the bill be amended, in section 2A, in item 6033-0817, by inserting at the end thereof the following words:—

“; provided further, that not less than \$1,000,000 shall be expended for pedestrian and streetscape improvements including those needed to achieve ADA compliance in the downtown Framingham area.”.

The amendment was rejected.

Ms. Spilka and Mr. Brown moved to amend the bill adding at the end thereof the following new section:—

“SECTION _____. Notwithstanding any general or special law to the contrary the Massachusetts Turnpike Authority is hereby authorized and directed to provide a fifty-percent toll discount program for account holders who participate in the authority’s electronic toll collection system. Said program shall provide that any increase in the toll charged for travel on the Massachusetts Turnpike or the Metropolitan Highway System which is implemented at any time after January 1, 2002 shall be reduced by 50 percent for participants in the program. The authority shall appropriate the funds necessary to provide said discount on a permanent basis.”

The amendment was rejected.

Mr. Tarr moved that the bill be amended, in section 2A, in item 6033-0817, by adding at the end the following words:— “and provided further, that not less than \$500,000 shall be expended for the reconstruction and repaving of Route 97 in the town of Boxford”.

The amendment was rejected.

Ms. Spilka moved to amend the bill by adding at the end thereof the following new section:—

“SECTION _____. Section 16G of chapter 6A of the General Laws is amended by adding at the end thereof the following new paragraph:

In addition to the other powers and duties set forth in this chapter, the secretary shall be consulted on any highway project proposed to be undertaken by any agency, department, board, commission, or authority of the Commonwealth the construction of which is estimated to cost greater than ten million dollars in the manner more specifically set forth in this section. Prior to the placement of any such project on the Commonwealth’s statewide transportation plan, or prior to the rescheduling of any such project on the statewide transportation plan, the secretary shall consult with the sponsor of such project, the office of transportation planning, the applicable metropolitan planning organization and other interested parties, and shall issue a statement on the economic benefits of each such project. Such statement shall include, at a minimum, a finding as to whether the project is consistent with the needs for commercial and industrial or residential growth in the Commonwealth and a comment as to whether the project is likely to improve the economic vitality of the Commonwealth. All such statements, findings, and comments shall be considered by the office of transportation planning and metropolitan planning organizations in recommendations pertaining to the statewide transportation improvement plans.”

The amendment was rejected.

Ms. Spilka moved that the bill be amended, in section 2A, in item 6033-0817, by adding at the end thereof the following:— “; provided further that not less than \$300,000 shall be expended for the design of improvements to Route 109 between the intersections of Route 109 and Holliston Street and Route 109 and Pond Street in the town of Medway.”.

The amendment was rejected.

Ms. Spilka and Mr. Brown moved that the bill be amended, in section 2A, in item 6033-0817, by adding at the end thereof the following:— “; provided further that not less than \$1,500,000 shall be expended for improvements to the intersections of route 9 and route 27 and route 9 and Oak Street in the town of Natick.”.

The amendment was adopted.

Ms. Spilka and Mr. Brown moved that the bill be amended, in section 2A, in item 6033-0817, by adding at the end thereof the following:— “; provided further that not less than \$7,000,000 shall be expended for construction of a parking garage in downtown Natick.”.

The amendment was rejected.

Ms. Spilka moved to amend the bill by adding at the end thereof the following new section:—

“SECTION _____. Notwithstanding any general or special law to the contrary, Massachusetts Department of Highways (“the department”) may hire outside consultants, that have been previously reviewed to determine their capabilities to perform, for review and analysis of applications for access or signal permits where the department determines it appropriate to expedite such review, provided that the applicant for said permit fully funds the cost of an appropriate consultant for the review and analysis of the application. The department must choose consultants who meet the minimum qualifications of either an educational degree in or related to the field at issue, or three (3) or more years of practice in the field at issue or a related field. The fees for the outside consultants shall be borne solely by the permit applicant. Such fees shall be reasonable and reflect the actual cost for the services of the consultants.

The applicant paying the fee is entitled to an administrative appeal to the Commissioner regarding the selected consultant(s) or the fees. Any such appeal is limited by law to claims that the selected consultant has a conflict of interest or does not possess the minimum required qualifications. The required time limits for action upon an application by the department shall be extended by the duration of the administrative appeal. A decision upon said appeal shall be made by the department within thirty (30) days of the filing of the appeal. Such an administrative appeal shall not preclude further judicial review, if otherwise permitted by law. Notwithstanding any general or special law to the contrary, the department shall deposit all fees for outside consultants into a separate expendable trust fund which shall be designated and known as the Commonwealth of Massachusetts Highway Access Expendable Trust. The Highway Access Expendable Trust, including accrued interest, if any, shall be expended at the direction of the department without further appropriation; provided, however, that such funds are to be expended by the department solely

for the purpose of hiring outside consultants to assist the department in its permit application reviews. The fees may not be used to pay for the services of department employees. Any excess amount in the account attributable to a specific project, including any accrued interest, shall be repaid to the applicant or to the applicant's successor in interest upon satisfactory proof of the filing of the final action and decision of the department. No expenditure shall cause the fund to be in deficit at the end of the fiscal year. A final report of said account activities and interest shall be made for each project and provided to the applicant or to the applicant's successor in interest on the applicant's written request.

The department shall revise such regulations as may be necessary to effectuate the purposes of this section."

The amendment was rejected.

Mr. O'Leary moved that the bill be amended, in section 2A, in item 6033-0817, by inserting at the end thereof the following:—" ; provided further, that not less than \$2,539,000 shall be expended for design and construction of an east-west bike trail and associated overpass from Willow Street to Route 132 in the town of Barnstable;"

The amendment was adopted.

Mr. O'Leary moved that the bill be amended, in section 2A, in item 6033-0817, by inserting at the end thereof the following:—" ; provided further, that not less than \$2,100,000 shall be expended for roadway and intersection improvements in downtown Hyannis, Main Street and South Street".

The amendment was adopted.

Mr. Tarr moved that the bill be amended, in section 2A, in item 6033-0817, by adding at the end the following words:— and provided further, that not less than \$300,000 shall be expended for the design of West Main Street in the town of Georgetown".

The amendment was rejected.

Mr. Knapik moved that the bill be amended, in item 6033-0817, by adding the following:— "provided further, that \$2,500,000 shall be expended for the replacement of the Lyman Street First Level Canal Bridge in Holyoke".

The amendment was rejected.

Mr. Knapik moved that the bill be amended, in item 6033-0817, by adding the following:— "provided further, that \$180,000 shall be expended for the drainage, repaving, and reconstruction of Couture, Arnie, Boulanger, and Camp Jahn Roads in the Ponds section in the town of Southampton".

The amendment was rejected.

Mr. Knapik moved that the bill be amended, in item 6033-0817, by adding the following:— "Provided further, that \$225,000 shall be expended for the design and construction of streetscapes and improvements to Route I 0 in the city of Easthampton".

The amendment was rejected.

Mr. O'Leary moved that the bill be amended, in section 2A, in item 6033-0817, by inserting at the end thereof the following:—" ; provided further, that not less than \$3,236,000 shall be expended on design and construction of a north-south bike trail extension and bridges in the town of Barnstable;"

The amendment was rejected.

Mr. O'Leary moved that the bill be amended, in section 2A, in item 6033-0817, by inserting at the end thereof the following:—" ; provided further, that not less than \$650,000 shall be expended on the construction of a roundabout at the intersection of Barnes Road and Edgartown-Vineyard Haven Road in the town of Oak Bluffs".

The amendment was adopted.

Mr. O'Leary moved that the bill be amended, in section 2A, in item 6033-0817, by inserting at the end thereof the following:—" ; provided further, that not less than \$6,500,000 shall be expended for Roadway improvements to Route 28 from the Barnstable Town Line to the Parker .River in the town of Yarmouth".

The amendment was rejected.

Mr. O'Leary moved that the bill be amended, in section 2A, in item 6033-0817, by inserting at the end thereof the following:—" ; provided further, that not less than \$2,300,000 shall be expended for a footprint bridge replacement on Upper County Road in the town of Dennis;"

The amendment was rejected.

Mr. O'Leary moved that the bill be amended, in section 2A, in item 6033-0817, by inserting at the end thereof the following:—" ; provided further, that not less than \$500,000 shall be expended rail safety improvements and construction of crossing gates in the town of Barnstable;"

The amendment was rejected.

Mr. Tarr moved that the bill be amended, in section 2A, in item 6033-0817, by adding at the end the following words:— "and

provided further, that not less than \$535,000 shall be expended for culvert repairs at Parish Road, West Street and Penn Brook in the town of Georgetown”.

The amendment was rejected.

Mr. O’Leary moved that the bill be amended, in section 2A, in item 6033-0817, by inserting at the end thereof the following:— “; provided further, that not less than \$1,250,000 shall be expended for a feasibility study, design, and construction of safety improvements at the intersection of Route 6A and Route 28 in the town of Orleans;”.

The amendment was rejected.

Mr. O’Leary moved that the bill be amended, in section 2A, in item 6033-0817, by inserting at the end thereof the following:— “; provided further, that not less than \$1,900,000 shall be expended on design and replacement of the Bridge Street Bridge over Mitchell River in the town of Chatham.”.

The amendment was rejected.

Mr. O’Leary moved that the bill be amended, in section 2A, in item 6001-0803, by inserting at the end thereof the following:— “; provided further, that not less than \$2,000,000 shall be expended for a transportation center in the town of Orleans;”.

The amendment was rejected.

Mr. Tarr moved that the bill be amended, in section 2A, in item 6033-0817, by adding at the end the following words:— “and provided further, that not less than \$750,000 shall be expended for the replacement of the Bridge Street Culvert located in the town of Hamilton”.

The amendment was rejected.

Mr. O’Leary moved that the bill be amended, in section 2A, in item 6033-0817, by inserting at the end thereof the following:— “; provided further, that not less than \$1,300,000 shall be expended for reconstruction of Swan River Road in the town of Dennis”.

The amendment was rejected.

Mr. O’Leary moved that the bill be amended, in section 2A, in item 6033-0817, by inserting at the end thereof the following:— “; provided further, that not less than \$105,000 shall be expended for resurfacing of Shore Road between Standish Way and Arrowhead Road in the town of Truro”.

The amendment was rejected.

Ms. Jehlen moved that the bill be amended in section 2, in item 6033-0817, by inserting after the words “Town of Provincetown” the following:— “provided further that not less than \$600,000 shall be expended for repair and maintenance of Temple Street in the City of Somerville”; and in said item by striking out the figure “\$401,500,000” and inserting in place thereof the following figure:— “\$402,100,000”.

The amendment was adopted.

Mr. O’Leary moved that the bill be amended, in section 2A, in item 6033-0817, by inserting at the end thereof the following:— “; provided further, that not less than 51,120,000 shall be expended for resurfacing of Old County Road in the town of Truro”.

The amendment was rejected.

Mr. O’Leary moved that the bill be amended, in section 2A, in item 6033-0817, by inserting at the end thereof the following:— “; provided further, that not less than \$280,000 shall be expended for resurfacing of South Highland Road in the town of Truro”.

The amendment was rejected.

Mr. O’Leary moved that the bill be amended, in section 2A, in item 6033-0817, by inserting at the end thereof the following:— “; provided further, that not less than \$1,262,000 shall be expended on resurfacing and related work on Route 124 in the town of Harwich”.

The amendment was rejected.

Mr. O’Leary moved that the bill be amended, in section 2A, in item 6033-0817, by inserting at the end thereof the following:— “; provided further, that not less than \$100,000 shall be expended on design and construction of a sidewalk along Race Point Road and Conwell Street in the town of Provincetown.”.

The amendment was rejected.

Mr. O’Leary moved that the bill be amended, in section 2A, in item 6033-0817, by inserting at the end thereof the following:— “; provided further, that not less than \$460,000 shall be expended for multi-user path safety improvements in the Edgartown section of Edgartown-Vineyard Haven Road in the town of Edgartown”.

The amendment was rejected.

Mr. O'Leary moved that the bill be amended, in section 2A, in item 6033-0817, by inserting at the end thereof the following:—
“; provided further, that not less than \$480,000 shall be expended for multi-user path safety improvements on the County Road Bike path in the town of Oak Bluff's”.

The amendment was rejected.

Mr. O'Leary moved that the bill be amended, in section 2A, in item 6033-0817, by inserting at the end thereof the following:—
“; provided further, that not less than \$2,500,000 shall be expended for design and construction of a 3.5 mile bike path along Cisco Road in the town of Nantucket.”.

The amendment was rejected.

Mr. Antonioni moved that the bill be amended, in section 2A, in item 6033-0817, by adding the following:— “provided further, that not less than \$150,000 be expended for the repair of the Scott Road Bridge in the City of Fitchburg”.

The amendment was rejected.

Mr. O'Leary moved that the bill be amended, in section 2A, in item 6033-0817, by inserting at the end thereof the following:—
“; provided further, that not less than \$3,750,000 shall be expended for reconstruction of Route 137 from Queen Anne Road to the Brewster town line in the town of Harwich;”.

The amendment was rejected.

Mr. Hart moved that the bill be amended, in section 2A, in item 6033-0817, by inserting after the word “Lincoln” the following:—

“; provided further, that \$1,000,000 shall be expended for the design and construction of a sound barrier wall along Route 93S in the Dorchester section in the city of Boston”.

The amendment was adopted.

Mr. Antonioni moved that the bill be amended, in section 2A, in item 6033-0817, by adding the following:— “provided further, that not less than \$2.25 million be expended for the construction of a parking deck in the City of Gardner.”.

The amendment was rejected.

Mr. Hart moved that the bill be amended, in section 2A, in item 6033-0817, by inserting after the word “Lincoln” the following:—

“; provided further, that \$700,000 shall be expended for design and construction at Kosciuszko Circle in the Dorchester section in the city of Boston”.

The amendment was adopted.

Mr. Hart moved that the bill be amended, in section 2A, in item 6033-0817, by inserting after the word “Lincoln” .the following:— “; provided further, that \$200,000 shall be expended for repairs on Gallivan Boulevard in the Dorchester suction in the city of Boston”.

The amendment was adopted.

Mr. O'Leary moved that the bill be amended, in section 2A, in item 6033-0817, by inserting at the end thereof the following:—
“; provided further, that not less than \$1,000,000 shall be expended on sidewalk, crosswalk, and road repairs in Wilkes Square in the town of Nantucket”.

The amendment was rejected.

Mr. Antonioni moved that the bill be amended, in section 2A, in item 6033-0817, by adding the following:— “provided further, that not less than \$150,000 shall be expended for design costs for the Route 119 reconstruction project in the Town of Townsend”.

The amendment was adopted.

Mr. Galluccio moved that the bill be amended by inserting in section 2A, in line 359, the following:— “provided further that \$900,000 be expended to study the feasibility of constructing a commercial truck bypass road beginning at a point in and around the Alford Street Bridge and the Sullivan Square traffic rotary in the Charlestown neighborhood of Boston and ending at the entrance to Interstate 93, including but not limited to studying the safety, design and engineering, and cost of constructing and maintaining the commercial truck bypass road”.

The amendment was rejected.

Mr. Tarr moved that the bill be amended, in section 2A, in item 6033-0817, by adding at the end the following words:— “and provided farther, that not less than \$400,000 shall be expended for the design and construction of traffic signals on Route 114 at Hillside Road in the town of North Andover”.

The amendment was rejected.

Mr. Antonioni moved that the bill be amended, in section 2A, in item 6033-0817 by adding the following:— “provided further, that not less than \$100,000 shall be expended for a traffic study of Route 13 at Route 2 in the City of Leominster”.

The amendment was adopted.

Messrs. Galluccio and Tolman moved that the bill be amended by inserting in section 2A, in line 359, the following:— “provided further that \$200,000 shall be expended to study the feasibility of the Commonwealth acquiring the rights of way along the Grand Junction Path, a rail link connecting the South Shore to the North Shore and running through parts of Cambridge and Somerville, and the design and use of the path”.

The amendment was rejected.

Mr. Tarr moved that the bill be amended, in section 2A, in item 6033-0817, by adding at the end the following words:— “and provided further, that not less than \$6,500,000 shall be expended for the widening of Route 114 in the town of North Andover”.

The amendment was rejected.

Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved that the bill be amended by inserting at the end thereof the following section:—

“SECTION 60. The secretary of transportation and public works, within six-months of the passage of this act, shall submit to the clerks of the house of representatives and the senate, the chairs of the joint committee on transportation, and the chairs of the house and senate committees on ways and means a detailed timeline and funding schedule for the transfer of eighty percent of all workers at the executive office of transportation and public works and the department of highways whose salaries and benefits are currently funded through the proceeds of bond sales, to the operations accounts of such agencies no later than 2013.”

The amendment was adopted.

Mr. Rosenberg moved that the bill be amended by adding after section ____, the following new section:—

“SECTION XXX. Notwithstanding any general or special law, regulation or rule to the contrary, the commissioner of the department of highways is hereby authorized and directed to undertake a pilot project, so-called, within a district or sub-district of said department, as may be determined by the commissioner, for the purpose of measuring the effectiveness of performance-based contracting for the maintenance of reflective pavement markings and roadway signs of said department. Within thirty days of the completion of the pilot project, the department shall submit its findings to the house and senate chairmen of the joint committee on transportation.”

The amendment was adopted.

Mr. Rosenberg moved that the bill be amended, in section 2A, in item 6033-0817, by adding at the end thereof the following:— “provided further, that \$2,000,000 shall be expended for the reconstruction of route 2 in Erving center”.

The amendment was adopted.

Messrs. Rosenberg and Brewer, Ms. Wilkerson, Mr. Moore, Ms. Spilka, Ms. Fargo, Mr. Augustus, Ms. Chandler, Mr. O’Leary, Ms. Candaras, Ms. Tucker and Mr. Buoniconti moved that the bill be amended by adding after section ____, the following new section:—

“SECTION XXX. The Secretary of the Executive Office of Transportation and Public Works in consultation with the Secretary of Administration and Finance shall direct the Massachusetts Turnpike Authority and the Massachusetts Port Authority to determine the amount which may be available to the Commonwealth in federal capital credits in accordance with the Toll Credit for non-federal share program under Section 1905 of the so called SAFTEA-LU Authorization Act.

The Secretary of the Executive Office of Transportation and Public Works shall further in accordance with Section 23 USC subsection 120(j)(2) make the determination of maintenance of effort required for the commonwealth to apply for toll credit from the federal highway administration. The Secretary shall follow the guidance issued by the federal highway administration, toll credit for non federal share Section 1905 of SAFTEA-LU Guidance memorandum issued February 8, 2007.

The Secretary shall further determine if the commonwealth has any unobligated balance of federal funds for any and all transportation agencies which are included in the commonwealth’s federal fields obligation including but not limited to highway, transit or intelligent transportation program funds. If any such un obligated funds are available, the Secretary shall take all steps necessary to maximize available federal credits by implementing the federal toll credit provision of Section 1905 of so called federal SAFTEA-LU Authorization Act, provided, however, that no less that 25% of the funds collected from this program shall be dedicated to capital and other appropriate expenditures for the Commonwealth’s Regional Transit Authorities.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at eleven minutes before four o’clock P.M., on motion of Mr. Rosenberg, as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 268**]:

YEAS.

Antonioni, Robert A.	Buoniconti, Stephen J.
Augustus, Edward M., Jr.	Candaras, Gale D..
Baddour, Steven A.	Chandler, Harriette L.
Berry, Frederick E.	Creedon, Robert S., Jr.
Brewer, Stephen M.	O’Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Downing, Benjamin B.	Panagiotakos, Steven C.
Fargo, Susan C.	Petrucelli, Anthony
Galluccio, Anthony D.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Hedlund, Robert L.	Spilka, Karen E.
Jehlen, Patricia D..	Tarr, Bruce E.
Joyce, Brian A.	Timilty, James E.
Knapik, Michael R.	Tisei, Richard R.
McGee, Thomas M.	Tolman, Steven A.
Menard, Joan M.	Tucker, Susan C.
Montigny, Mark C.	Walsh, Marian
Moore, Richard T.	Wilkerson, Dianne — 37.
Morrissey, Michael W.	
NAYS — 0.	
ABSENT OR NOT VOTING.	
Creem, Cynthia Stone	Marzilli, Jim — 2.

The yeas and nays having been completed at eight minutes before four o’clock P.M., the amendment was adopted.

Mr. Rosenberg moved that the bill be amended, in section 2A, in item 6033-0817, by adding at the end thereof the following:—
“provided further, that \$1,200,000 shall be expended for upgrades to the lights at the route 2 rotary”.

The amendment was adopted.

Mr. Rosenberg moved that the bill be amended, in section 2A, in item 6033-0817, by adding at the end thereof the following:—
“provided further, that \$1,100,000 shall be expended for the installation of lights at the route 202 rotary in South Hadley”.

The amendment was adopted.

Ms. Menard moved that the bill be amended, in section 2A, in item 6033-0817, by inserting the following:— “provided further that not less than \$1,000,000 shall be expended on the expansion, repair and improvement of sanitary facilities that utilizes zero pollution discharge technologies including recycling greywater systems”.

The amendment was rejected.

Ms. Chandler and Mr. Augustus moved that the bill be amended, in section 2A, in item 6033-0817, by adding the following:—
“provided further \$3,300,000 shall be expended for the design and construction of the Central Massachusetts Emergency Operations Center Access Road at Worcester Fire Headquarters, located at 141 Grove Street in the City of Worcester”.

The amendment was adopted.

Ms. Chandler moved that the bill be amended, in section 2A, in item 6033-0817, by adding the following:— “provided further than not less than \$450,000 be provided for the purpose of installing sound barriers along Route 290 in the Maynard Street section of the Town of Northborough”.

The amendment was rejected.

Ms. Chandler moved that the bill be amended, in section 2A, in item 6033-0817, by adding the following:— “provided further, that not less than \$1,000,000 shall be expended to repair the West Boylston Street Bridge on Route 12 in the City of Worcester”.

The amendment was rejected.

Mr. Tarr moved that the bill be amended, in section 2A, in item 6033-0817, by adding at the end the following words:— “and provided further, that not less than \$1,200,000 shall be expended for the repaving of Route 125 in the town of North Andover”.

The amendment was rejected.

Mr. Brown moved that the bill be amended, in section 2A, in item 6033-0817, by adding the following:— “provided further, that \$12,000 shall be expended for storm water management in Millis”.

The amendment was adopted.

Mr. Brown moved that the bill be amended, in section 2A, in item 6033-0817, by adding the following:— “Provided further, that not less than \$1,500,000 shall be expended for the design and construction of a sound barrier along the southbound side of I-95 (Route 128) along Greendale Avenue in Needham.”.

The amendment was rejected.

Mr. Brown moved that the bill be amended, in section 2A, in item 6033-0817, by adding the following:— “provided further, that not less than \$150,000 shall be expended for the reconstruction of Creek Street in Wrentham”.

The amendment was adopted.

Mr. Tarr moved that the bill be amended, in section 2A, in item 6033-0817, by adding at the end the following words:— “and provided further, that not less than \$600,000 shall be expended for a flood mitigation project on Route 62 in the town of Wilmington to be administered by the town of North Reading in conjunction with the town of Wilmington”.

The amendment was rejected.

Mr. Tarr moved that the bill be amended, in section 2A, in item 6033-0817, by adding at the end the following words:— “and provided further, that not less than \$350,000 shall be expended for lighting improvements to the new Parker River Bridge or the north and south approaches to the bridge on Route 1A in the town of Newbury”.

The amendment was rejected.

Ms. Menard moved that the bill be amended, in section 2A, in item 6033-0817, by adding the following:— “provided further that not less than \$8,000,000 shall be expended on the application of paint finish for the Braga Bridge in the city of Fall River”.

The amendment was rejected.

Ms. Menard moved that the bill be amended, in section 2A, in item 6033-0817, by adding the following:— “provided further, that \$2,000,000 shall be expended for the replacement of the Elm Street Bridge in the town of Freetown”.

The amendment was rejected.

Mr. Joyce moved that the bill be amended, in section 2A, in item 6033-0817, by inserting at the end thereof the following:— “; provided further, that not less than \$25,000 shall be expended for the design and construction of school zone signage on Brook Road in the town of Milton”.

The amendment was adopted.

Mr. Joyce moved that the bill be amended, in section 2A, in item 6033-0817, by inserting at the end thereof the following:— “; provided further, that not less than \$20,000 shall be expended for the design and construction of crosswalks on Route 28 in the town of Milton”.

The amendment was rejected.

Messrs. Joyce and Morrissey moved that the bill be amended, in section 2A, in item 6033-0817, by inserting at the end thereof the following:— “; provided further, that not less than \$250,000 shall be expended for infrastructure improvements on Washington Street in the town of Braintree”.

The amendment was rejected.

Mr. Joyce moved that the bill be amended, in section 2A, in item 6033-0817, by inserting at the end thereof the following:— “;

provided further, that not less than \$1,000,000 shall be expended for improvements to the Stoughton Train Station”.
The amendment was rejected.

Messrs. Joyce and Morrissey moved that the bill be amended, in section 2A, in item 6033-0817, by inserting at the end thereof the following:— “; provided further, that not less than \$1,000,000 shall be expended for the design and construction of a sound barrier wall along Independence Avenue in the town of Braintree”.
The amendment was rejected.

Mr. Joyce moved that the bill be amended, in section 2A, in item 6033-0817, by inserting at the end thereof the following:— “; provided further, that not less than \$1,200,000 shall be expended for signalization and associated roadway and pedestrian improvements to Route 28 from Pleasant Street to Depot Street in the town of Randolph”.
The amendment was rejected.

Messrs. Tolman and McGee moved that the bill be amended by adding at the end thereof the following new section:—
“SECTION XX. Section 27 of Chapter 149 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the words ‘and shall request the commissioner to determine the rate of wages to be paid on each job.’ the following:— One year after awarding the contract, and each year thereafter during the life of the contract, said public official or public body, shall submit to the commissioner a list of the jobs upon which mechanics and apprentices, teamsters, chauffeurs and laborers are to be employed, and shall request the commissioner to update the determination of the rate of wages to be paid on each job. The general contractor shall annually obtain updated rates from the public official or public body and no contractor or subcontractor shall pay less than the rates so established.”; and further, by inserting after the words “shall cause a legible copy of said schedule” the following:— “and subsequent updates.”.
The amendment was adopted.

Mr. Tolman moved that the bill be amended, in section 2A, in item 6033-0817, by striking the words “provided further, that \$1,200,000 shall be expended for the construction of the Watertown bike path from School street to Grove street;” and inserting in place thereof the following:— “provided further, that \$1,200,000 shall be expended for the phase 2 construction of the Watertown bike path;”.
The amendment was adopted.

Mr. Tolman moved that the bill be amended, in section 2A, in item 6033-0817, by inserting after the words “Water Front Square Project at Revere Beach;” the following:— “provided further, that not less than \$300,000 shall be expended for the removal of the sand bar from Spy Pond in Arlington;”.
The amendment was rejected.

Messrs. Morrissey and Joyce moved that the bill be amended, in section 2A, in item 6033-0817, by inserting after the words, “Quincy avenue in town of Braintree;” in line 306, the following:— provided further, that \$1,000,000 shall be expended for the design and reconstruction of Route 37 in the Highlands section of the town of Braintree;”.
The amendment was rejected.

Mr. Tolman moved that the bill be amended by inserting in section 2A, in item 6033-0817, after the words “Water Front Square Project at Revere Beach;” the following:— “provided further, that not less than \$520,000 be expended on the installation of high tension cable barrier guardrails on certain sections of Route 3 in Billerica;”.
The amendment was rejected.

Mr. Morrissey moved that the bill be amended, in section 2A, in item 6033-0817, by inserting after the words “Concord, Alewife area, of the city of Cambridge;”, in line 53, the following:— “provided further, that \$5,000,000 shall be expended for a pilot program for MassHighway to study the effectiveness of the structural health monitoring of bridges and tunnels through electronic means;”.
The amendment was rejected.

Mr. Tolman moved that the bill be amended, in section 2A, in item 6033-0817, by inserting after the words “Water Front Square Project at Revere Beach” the following:— “provided further, that \$250,000 shall be expended for the Billerica Center to improve traffic flow;”.
The amendment was adopted.

Messrs. Morrissey and Joyce moved that the bill be amended, in section 2A, in item 6033-0817, by inserting after the words “Quincy avenue in town of Braintree;”, in line 306, the following:— “provided further, that \$300,000 shall be expended for the design and construction of sidewalks in the town of Braintree on Grove Street, from Plain Street to Liberty Street;”.
The amendment was rejected.

Mr. Tolman moved that the bill be amended, in section 2A, by inserting after the words “Water Front Square Project;” the

following:— “provided further, that not less than \$300,000 for improvements to Downing Square area in Arlington;”.

The amendment was adopted.

Mr. Morrissey moved that the bill be amended, in section 2A, in item 6033-0817, by inserting after the words “in the city of Quincy;”, in line 309, the following:— “provided further, that \$250,000 shall be expended for a study of traffic patterns in and around Quincy Center in the city of Quincy;”.

The amendment was rejected.

Ms. Tucker moved that the bill be amended, in section 2A, in item 6033-0817, by inserting after the words “Bernie avenue” the following:— “provided further, that \$600,000 shall be expended for the repair and rehabilitation of town owned bridges in the town of Andover;”.

The amendment was rejected.

Messrs. Morrissey and Hedlund moved that the bill be amended by inserting the text of Senate document numbered 2798.

Pending the question on the adoption of the amendment, the same Senators moved that the amendment be farther amended in the proposed section 6 of chapter 301 of the acts of 1998 by striking out paragraph (k).

The further amendment was adopted.

The pending amendment (Morrissey-Hedlund) was then adopted as amended. Mr. Antonioni moved that the bill be amended, in section 2A, in item 6033-0817, by adding the following:— “provided further, that not less than \$450,000 shall be expended for the reconstruction of the Bernhardt Road Bridge in the Town of Ashby”.

The amendment was rejected.

Ms. Jehlen and Mr. Galluccio moved that the bill be amended, in section 2, in item 6033-0817, by inserting after the words “town of Hamilton” the following:— “; provided further that not less than \$5,500,000 shall be expended for intersection and traffic signal improvements associated with redevelopment of the Assembly Square district in Somerville”; and in said item by striking out the figure “\$401,500,000” and inserting in place thereof the following figure:— “\$407,000,000”.

The amendment was rejected.

Ms. Tucker moved that the bill be amended, in section 2A, in item 6033-0817, by inserting after the words “Bernie avenue” the following:— “provided further, that \$300,000 shall be expended for roadway and infrastructure improvements to Shawsheen Square/ North Main Street in the town of Andover;”.

The amendment was adopted.

Ms. Tucker moved that the bill be amended, in section 2A, in item 6033-0817, by inserting after the words “Bernie avenue” the following:— “provided further, that \$203,000 shall be expended for improvements to North Main Street in the Town of Andover;”.

The amendment was adopted.

Ms. Tucker moved that the bill be amended, in section 2A, in item 6033-0817, by inserting after the words “Bernie avenue” the following:— “provided further, that \$2,200,000 shall be expended for reconstruction of Nashua Road in the town of Dracut;”.

The amendment was adopted.

Ms. Tucker moved that the bill be amended, in section 2A, in item 6033-0817, by inserting after the words “Bernie avenue” the following:— “provided further, that \$400,00 shall be expended for traffic signalization at the intersection of Main Street/Route 38 and Newton Avenue in the town of Tewksbury;”.

The amendment was adopted.

Mr. Brewer moved that the bill be amended, in section 2, in item 6033-0817, by inserting at the end thereof the following:— “provided further, that \$132,620 shall be expended for the reclamation and overlay of Central Tree Road from Skyline Drive to the Holden town line in the town of Rutland”.

The amendment was adopted.

Ms. Tucker moved that the bill be amended, in section 2A, in item 6033-0817, by inserting after the words “Bernie avenue” the following:— “provided further, that \$600,00 shall be expended for traffic signalization at the intersection of Shawsheen and East Street in the town of Tewksbeury;”.

The amendment was adopted.

Mr. Brewer moved that the bill be amended, in section 2, in item 6033-0817, by inserting at the end thereof the following:— “provided further, that \$154,975 shall be expended for drainage improvements to and the reclamation and overlay of Glenwood Road from Route 68 to Campbell Street in Rutland”.

The amendment was adopted.

Mr. Tarr moved that the bill be amended, in section 2A, in item 6033-0817, by adding at the end the following words:— “and provided further, that not less than \$357,000 shall be expended for traffic improvements at the intersection of Route 62 and Glen Road in the town of Wilmington”.

The amendment was rejected.

Mr. Tolman moved that the bill be amended, in section 2A, in item 6033-0817, by inserting after the words “Water Front Square Project at Revere Beach” the following:— “provided further, that not less than \$1,000,000 shall be expended on the expansion, repair and improvement of sanitary facilities that utilizes zero pollution discharge technologies including recycling greywater systems;”.

The amendment was adopted.

Mr. Pacheco moved that the bill be amended, in section 2C, in item 6001-0804, by inserting at the end thereof the following:— “provided further however that no less than \$100,000 shall be authorized for the design, siting and initial permitting for a commuter rail station in the Town of Wareham;”.

The amendment was adopted.

Mr. Creedon moved that the bill be amended, in section 2A in item 6033-0817, by inserting at the end thereof the following:— “provided further, that \$1,000,000 shall be expended for street and sidewalk rehabilitation in the town of Whitman”.

The amendment was rejected.

Messrs. Creedon and Joyce moved that the bill be amended, section 2A, in item 6033-0817, by inserting at the end thereof the following:— “provided further that \$1,200,000 shall be expended for street and sidewalk rehabilitation in the historical district surrounding East Bridgewater common”.

The amendment was adopted.

Mr. Creedon moved that the bill be amended, in section 2A, in item 6033-0817, by inserting at the end thereof the following:— “provided further, that \$1,000,000 shall be expended for street and sidewalk rehabilitation to Perkins Avenue in the city of Brockton; provided further, that \$2,500,000 shall be expended for street and sidewalk rehabilitation to West Elm Street in the city of Brockton”.

The amendment was adopted.

Mr. Creedon moved that the bill be amended, in section 2A, in item 6033-0817, by inserting at the end thereof the following:— “; provided further, that \$1,000,000 shall be expended for street and sidewalk rehabilitation in the town of Whitman”.

The amendment was rejected.

Mr. Hedlund moved that the bill be amended, in section 2A, in item 6033-0817, by inserting the following words:— “provided further, that \$200,000 shall be expended for the widening of route 139 in the town of Marshfield;”.

The amendment was rejected.

Mr. Pacheco moved that the bill be amended, in section 2A, in item 6033-0817, by inserting in line 212 after the words “city of Somerville;” the following words:— “provided further that not less than \$25,000 shall be expended for traffic signal upgrades at the intersection of Route 44 and Orchard Street in the town of Raynham which shall include but not be limited to the installation of an Opticom emergency vehicle signal control system or similar emergency signal control system and installation of essential corresponding transmitter equipment in specifically designated public safety/emergency responder vehicles in the town to be identified by the Chiefs of Police and Fire Departments in conjunction with board of selectmen in the town of Raynham;”.

The amendment was adopted.

Mr. Hedlund moved that the bill be amended, in section 2A, in item 6033-0817, by inserting the following words:— “provided further, that not less than \$1,000,000 shall be expended for the area of Washington Street, Middle Street and Winter Street which is also considered the Weymouth Triangle, for improvements that are needed for the widening and paving of the South side of Route 53 (Washington Street) and the West side of Middle Street, installation of below grade utilities and the replacement of sidewalks on Washington, Middle and Winter Street;”.

The amendment was rejected.

Mr. Hedlund moved that the bill be amended, in section 2A, in item 6033-0817, by inserting the following words:— “provided further, that not less than \$1,068,000 shall be expended for improvements and reconstruction to Abington Street in the town of Hingham;”.

The amendment was rejected.

Mr. McGee moved that the bill be amended, in section 2A, by adding the following at the end thereof:— “provided further, that not less than \$350,000 shall be expended for streetscape improvements along Humphrey Street in the town of Swampscott”.

The amendment was adopted.

Mr. Hedlund moved that the bill be amended, in section 2A, in item 6033-0817, by inserting the following words:— “provided further, that not less than \$150,000 be expended for the repair of the Pemberton Pier Commuter Float in the town of Hull;”.

The amendment was adopted.

Mr. Downing moved that the bill be amended, in section 2A, in item 6033-0817, by inserting the following:— “provided further, that not less than \$750,000 shall be expended for the resurfacing of roads in the city of North Adams”.

The amendment was adopted.

Mr. Hedlund moved that the bill be amended, in section 2A, in item 6033-0817, by inserting the following words:— “provided further, that \$1,700,000 shall be expended for the rehabilitation of the Rockland Street Culvert in Hingham;”.

The amendment was rejected.

Mr. Hedlund moved that the bill be amended, in section 2A, in item 6033-0817, by inserting the following words:— “provided further, that \$1,750,000 shall be expended for the design and reconstruction of Rockland Street in the town of Hingham;”.

The amendment was adopted.

Mr. Hedlund moved that the bill be amended, in section 2A, in item 6033-0817, by inserting the following words:— “provided further, that not less than \$5,000,000 shall be expended for the resurface a 1.5 mile section of Route 3A, from the Fore River Bridge to Green Street located in the Town of Weymouth for sidewalk repair or replacement, provide wheel chair ramps where needed, the placement of utility lines below grade and finally the planting of trees and landscape along the roadway;”.

The amendment was rejected.

Mr. Hedlund moved that the bill be amended, in section 2A, in item 6033-0817, by inserting the following words:— “provided further, that not less than \$3.5 million shall be expended for the resurfacing and/or reconstruction, including minor drainage improvements of Route 123 in the Town of Norwell;”.

The amendment was rejected.

Messrs. Timilty and Brown moved that the bill be amended, in section 2A, in item 6033-0817, by striking the words “provided further, that \$1,000,000 shall be expended for the Phase I streetscape improvement project in downtown Attleboro” and “provided further that \$1,000,000 shall be provided for streetscape improvements in downtown Attleboro;” and inserting the following:—”provided further, that \$2,000,000 shall be expended for the Phase II streetscape improvement project in downtown Attleboro”.

The amendment was adopted.

Mr. Timilty moved that the bill be amended, in section 2A, in item 6033-0817, by inserting at the end thereof the following:— ”provided further, that not less than \$1,500,000 shall be expended for the design and reconstruction of the intersection at RT-114A & Arcade Ave. in Seekonk;”.

The amendment was rejected.

Ms. Chandler and Mr. Augustus moved that the bill be amended, in section 2A, in item 6033-0817, by adding the following:— “provided, further that not less than \$5,000,000 shall be spent on the preliminary and final design of one or more of the roadways and access improvements included as a part of the Worcester Regional Mobility Study”.

The amendment was adopted.

Mr. Timilty moved that the bill be amended, in section 2A, in item 6033-0817, by inserting at the end thereof the following:— ”provided further, that 5110,000 shall be expended for the design and installation of Opticom emergency vehicle signals for the public safety complex on route 44 in town of Seekonk;”.

The amendment was rejected.

Ms. Chandler moved that the bill be amended, in section 2A, in item 6033-0817, by adding the following:— “provided further, that not less than \$250,000 shall be provided for the Executive Office of Transportation and Public Works rail unit to conduct a feasibility study for MBTA Commuter Rail Service between Union Station in Worcester and North Station in Boston via the Town of Clinton. This study shall assess the capital and operating costs as well as produce ridership estimates for this proposed commuter rail service. The capital cost estimate shall include costs associated with track, signals, stations, structures, parking, layover facilities and equipment. The integration of this service with existing and proposed passenger and freight services as well as well as the impact of service between Worcester and Boston via South Station shall be evaluated. Impacts of the proposed service on development and land use shall be examined. The study should explore and evaluate innovative methods to deliver new commuter rail services faster and more efficiently than tradition design and construction methods.”

The amendment was rejected.

Ms. Chandler moved that the bill be amended, in section 2A, by adding the following:— “provided further, that not less than

\$125,000 shall be expended for a salt shed for highway safety in the Town of Princeton”.

The amendment was adopted.

Mr. Timilty moved that the bill be amended, in section 2A, in item 6033-0817, by inserting at the end thereof the following:—
”provided further, that \$11,700,000 be expended for the renovation and reconstruction of Route 1A/Main Street in the town of Walpole;”.

The amendment was rejected.

Messrs. Timilty and Joyce moved that the bill be amended, in section 2A, in item 6033-0817, by striking the words “provided further, that not less than \$1,500,000 shall be expended for traffic safety and historic road improvements along Bay road in the town of Sharon;” and inserting the following:—”provided further, that \$1,000,000 shall be expended for the repair and reconstruction of Bay Road in the town of Stoughton; provided further that \$500,000 shall be expended for traffic safety and historic road improvements along Bay Road in the town of Sharon;”.

The amendment was adopted.

Ms. Spilka, Ms. Resor and Messrs. Timilty, Brown and Moore moved that the bill be amended, in section 2A, in item 6033-0817, by inserting in line 319 after the words “state line;” the following:— “; provided further, that not less than \$150,000 shall be expended for the Greater I-495/MetroWest economic and demographic study.”.

The amendment was adopted.

Mr. Baddour moved that the bill be amended by inserting the following new section:—

“SECTION ____ Chapter 85 of the General Laws is hereby amended by striking out section 7A, and inserting in place thereof the following section:—

Section 7A. No person shall store sodium chloride, calcium chloride or chemically treated abrasives or other chemicals used for the removal of snow or ice on roads in such a manner or place as to subject a water supply or groundwater supply to the risk of contamination; provided, further, that any sodium chloride, calcium chloride or chemically treated abrasives or other chemicals used for the removal of snow or ice on roads and stored within two hundred yards of an established river or estuary must be stored in a solid frame storage shed to insure against ground leaching and airborne pollution of surrounding property. Water-dependent marine cargo facilities that handled any such snow removal chemicals before May 10, 1991, the date of the foregoing proviso, shall be exempt from such proviso so long as they are located on an established river or estuary having a depth-averaged annual salinity greater than ten parts per thousand. Water-dependent marine cargo facilities that first handled such snow removal chemicals after May 10, 1991 shall be exempt from such proviso so long as they are located on an established river or estuary having a depth-averaged annual salinity greater than ten parts per thousand; are not located on commonwealth tidelands; and have an agreement with the municipality providing for best management practices. The department of environmental protection, hereinafter called the department, in consultation with the department of highways, may issue regulations as to place or manner of storage of such chemicals and, may, by specific order, in a particular case regulate the place where such chemicals may be used for such purpose. All facilities storing chemicals used for the removal of snow and ice on roads shall annually review their best management practices and shall have such practices described in writing for inspection at the facility by the department on or before November first each year. Any violation of this section or any regulation or order issued hereunder shall be punished by a fine not to exceed fifty dollars per day. Any person who uses more than one ton of such chemicals in any calendar year shall report annually to the department on November first, and at such other times as prescribed, the amount of such chemicals used in the previous twelve months specified by road section or other location and the amount of chemicals on hand. Copies of such reports shall be made available upon the request of any concerned state or municipal agency or commission. The department may require studies by competent professional personnel of the probable impact of proposed new or improved highways and the maintenance thereof by use of such chemicals upon reservoirs, ponds, streams, lakes, wetlands and the groundwater aquifers associated with both public and private water sources. Estimates of such chemicals to be applied on proposed roads and other paved areas shall be based upon the most recent records of chemicals actually applied as reported under the provisions of this section. The word “person” as used in this section shall include surveyors of highways, road commissioners, superintendents of streets in towns, commissioners of public works in cities and towns, the chief engineer of the state department of highways, the chief engineer of the Massachusetts Turnpike Authority, the chief administrative officer of state agencies and private persons, including corporations.”

The amendment was adopted.

Messrs. Tarr, Montigny, Baddour, Pacheco, Timilty, Hedlund and Ms. Tucker moved that the bill be amended by adding at the end the following new sections:—

“SECTION 60. Chapter Thirty of the General Laws is hereby amended by adding after Section 39M the following new section: Section 39M½. Requirement of Independent Owner’s Representative.

(a) Definitions — The words defined herein shall have the meaning stated below whenever they appear in this section:

(1) ‘Major Contract’ shall mean any contract by which the Commonwealth or any of its public agencies is to procure the construction of a highway, railway, bridge, tunnel or aviation facility or any component thereof and for which the certified estimate of cost exceeds fifty million dollars.

(2) ‘Certified Estimate of Cost’ shall mean a good-faith estimate, based on the best available information and made by the most

senior official in the agency responsible for the contract, accounting for all expenses which could be reasonably foreseen, including but not limited to those involving design, construction, management, acquisition and disposition of rights of way, and contingency costs.

(3) 'Owner's Representative' shall mean an individual registered by the commonwealth as a professional engineer, who has not less than five years of experience in the construction and supervision of construction of the type which is the subject of the pertinent major contract in nature, scope and complexity.

(4) 'Cost-plus' basis shall mean a form of compensation in which a premium is added to the actual cost of service to determine a total amount to be paid.

(5) 'Oversight Cost Estimate' shall mean an estimate developed by the Commonwealth or any agency thereof, prior to the engagement of an owner's representative, of the anticipated total cost of the services of that representative.

(b) 'Owner's Representative Required' — The Commonwealth or any agency or authority thereof shall engage and maintain an owner's representative to provide professional project oversight with regard to any major contract. Said representative shall be an individual employed by a corporation, partnership, sole proprietorship, joint stock company, joint venture or other entity engaged in the practice of providing project management services for public construction of the nature, scope and complexity which is the subject of the contract. A public agency may designate an existing employee as owner's representative subject to the conditions set forth in subsection (c).

(c) 'Public Employee as Owner's Representative' — An existing employee of a public agency may act as its owner's representative if the following conditions are met:

(1) The employee meets or exceeds the qualifications set forth in subsection (b).

(2) The employee has suitable experience in the construction and supervision of projects of the nature, scope and complexity of the relevant major contract.

(3) The employee and his employer have entered into a memorandum of understanding, contract or other comparable document establishing the independence of the employee as being equal to that of an owner's representative contracted from the private sector.

(d) 'Independence of Owner's Representative' — An owner's representative shall certify in writing, under the pains and penalties of perjury, that his sole responsibility shall be to the Commonwealth and the agency which has retained his services. The independent owner's representative shall be wholly independent of the designer, general contractor or any subcontractor involved in the public works project, and shall attest to such in a sworn statement.

(e) 'Conflicts of Interest Prohibited' — An owner's representative shall be subject to the provisions of Chapter 268A of the General Laws.

(f) 'Selection' — An owner's representative shall be selected and retained prior to the award of a major contract by any public agency, provided that such agency shall select and procure the services of the owner's representative through a process which is documented in writing, incorporates the evaluation of qualifications and experience, and is competitive in nature. Said process shall utilize a system of written applications which shall be retained for inspection for a period of not less than six months following the selection of an owner's representative. Said process shall also be promulgated in writing by the Office of the Inspector General prior to the commencement of any hiring process pursuant to this section.

(g) 'Nullity of Contract' — Any major contract executed prior to the selection of an owner's representative shall be null and void as against public policy. Prior to the award of any major contract, the public agency seeking to award the contract shall certify in writing to the Inspector General that an owner's representative has been selected.

(h) 'Release of Information' — Any individual, organization or agency eligible to receive information from an owner's representative shall do so in a form and manner approved and promulgated by the Inspector General. Upon receipt of such request, the owner's representative shall respond within sixty days. Such response shall either contain the requested information, indicate why it is not available to the party requesting it, or indicate a date certain when the information will be available, and that it will be provided upon that date.

A party denied information pursuant to this section may appeal such denial to the Inspector General —

(i) The owner's representative shall conduct a peer review of engineering elements on its projects.

(j) The owner's representative shall be the primary manager of cost recovery and value engineering on the project.

(k) The owner's representative shall enjoy unfettered access to project work sites, documents, and correspondence.

(l) The owner's representative shall file sworn reports on the project, due on December 31 of each year in which their contract is in effect, to the Office of the Inspector General, the Executive Office of Transportation, the Joint Committee on Transportation, and the Auditor of the Commonwealth.

(m) The inspector general shall promulgate regulations governing the operations and actions of owner's representatives, which shall include, but not be limited to, sanctions for misfeasance, malfeasance and the failure to adhere to any contracts or agreements executed pursuant to this section.

(n) Financial Remuneration, In no instances may an awarding agency execute a contract that pays the independent owner's representative on a cost-plus basis. Rather, awarding agencies shall establish an oversight cost estimate for the work of an owner's representative prior to the hiring of the owner's representative.

SECTION 61. Chapter One Hundred Forty-Nine A of the General Laws is hereby amended by adding after section 15, the following section(s):—

Section 15½: Requirement of Independent Owner's Representative.

(a) Definitions — The words defined herein shall have the meaning stated below whenever they appear in this Section:

(I) 'Major Contract' shall mean any contract by which the Commonwealth or any of its public agencies is to procure the

construction of a highway, railway, bridge, tunnel or aviation facility or any component thereof and for which the certified estimate of cost exceeds Fifty million dollars.

(2) 'Certified Estimate of Cost' shall mean a good-faith estimate, based on the best available information and made by the most senior official in the agency responsible for the contract, accounting for all expenses which could be reasonably foreseen, including but not limited to those involving design, construction, management, acquisition and disposition of rights of way, and contingency costs.

(3) 'Owner's Representative' shall mean an individual registered by the commonwealth as a professional engineer, who has not less than five years of experience in the construction and supervision of construction of the type which is the subject of the pertinent major contract in nature, scope and complexity.

(4) 'Cost-plus' basis shall mean a form of compensation in which a premium is added to the actual cost of service to determine a total amount to be paid.

(5) 'Oversight Cost Estimate' shall mean an estimate developed by the Commonwealth or any agency thereof, prior to the engagement of an owner's representative, of the anticipated total cost of the services of that representative.

(b) 'Owner's Representative Required' — The Commonwealth or any agency or authority thereof shall engage and maintain an owner's representative to provide professional project oversight with regard to any major contract. Said representative shall be an individual employed by a corporation, partnership, sole proprietorship, joint stock company, joint venture or other entity engaged in the practice of providing project management services for public construction of the nature, scope and complexity which is the subject of the contract. A public agency may designate an existing employee as owner's representative subject to the conditions set forth in subsection (c).

(c) 'Public Employee as Owner's Representative' — An existing employee of a public agency may act as its owner's representative if the following conditions are met:

(1) The employee meets or exceeds the qualifications set forth in subsection (b).

(2) The employee has suitable experience in the construction and supervision of projects of the nature, scope and complexity of the relevant major contract.

(3) The employee and his employer have entered into a memorandum of understanding, contract or other comparable document establishing the independence of the employee as being equal to that of an owner's representative contracted from the private enter.

(d) 'Independence of Owner's Representative' — An owner's representative shall certify in writing, under the pains and penalties of perjury, that his sole responsibility shall be to the Commonwealth and the agency which has retained his services. The independent owner's representative shall be wholly independent of the designer, general contractor or any sub-contractor involved in the public works project, and shall attest to such in a sworn statement.

(e) 'Conflicts of Interest Prohibited' — An owner's representative shall be subject to the provisions of Chapter 268A of the General Laws.

(f) 'Selection' — An owner's representative shall be selected and retained prior to the award of a major contract by any public agency, provided that such agency shall select and procure the services of the owner's representative through a process which is documented in writing, incorporates the evaluation of qualifications and experience, and is competitive in nature. Said process shall utilize a system of written applications which shall be retained for inspection for a period of not less than six months following the selection of an owner's representative. Said process shall also be promulgated in writing by the Office of the Inspector General prior to the commencement of any hiring process pursuant to this section.

(g) 'Nullity of contract' — Any major contract executed prior to the selection of an owner's representative shall be null and void as against public policy. Prior to the award of any major contract, the public agency seeking to award the contract shall certify in writing to the Inspector General that an owner's representative has been selected.

(h) 'Release of Information' — Any individual, organization or agency eligible to receive information from an owner's representative shall do so in a form and manner approved and promulgated by the Inspector General. Upon receipt of such request, the owner's representative shall respond within sixty days. Such response shall either contain the requested information, indicate why it is not available to the party requesting it, or indicate a date certain when the information will be available, and that it will be provided upon that date.

A party denied information pursuant to this section may appeal such denial to the Inspector General.

(i) The owner's representative shall conduct a peer review of engineering elements on its projects.

(j) The owner's representative shall be the primary manager of cost recovery and value engineering on the project.

(k) The owner's representative shall enjoy unfettered access to project work sites, documents, and correspondence.

(l) The owner's representative shall file sworn reports on the project, due on December 31 of each year in which their contract is in effect, to the Office of the Inspector General, the Executive Office of Transportation, the Joint Committee on Transportation, and the Auditor of the Commonwealth.

(m) The inspector general shall promulgate regulations governing the operations and actions of owner's representatives, which shall include, but not be limited to, sanctions for misfeasance, malfeasance and the failure to adhere to any contracts or agreements executed pursuant to this section.

(n) 'Financial Remuneration' — In no instances may an awarding agency execute a contract that pays the independent owner's representative on a cost-plus basis. Rather, awarding agencies shall establish an oversight cost estimate for the work of an owner's representative prior to the hiring of the owner's representative."

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at twelve minutes past four o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 269**]:

YEAS.	
Antonioni, Robert A.	Buoniconti, Stephen J.
Augustus, Edward M., Jr.	Candaras, Gale D..
Baddour, Steven A.	Chandler, Harriette L.
Berry, Frederick E.	Creedon, Robert S., Jr.
Brewer, Stephen M.	O’Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Downing, Benjamin B.	Panagiotakos, Steven C.
Fargo, Susan C.	Petrucelli, Anthony
Galluccio, Anthony D.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Hedlund, Robert L.	Spilka, Karen E.
Jehlen, Patricia D..	Tarr, Bruce E.
Joyce, Brian A.	Timilty, James E.
Knapik, Michael R.	Tisei, Richard R.
McGee, Thomas M.	Tolman, Steven A.
Menard, Joan M.	Tucker, Susan C.
Montigny, Mark C.	Walsh, Marian
Moore, Richard T.	Wilkerson, Dianne — 37.
Morrissey, Michael W.	
NAYS — 0.	
ABSENT OR NOT VOTING.	
Creem, Cynthia Stone	Marzilli, Jim — 2.

The yeas and nays having been completed at a quarter past four o’clock P.M., the amendment was adopted.

Mr. Hart moved that the bill be amended by adding the following new section:

“SECTION ____ Chapter 30 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out section 39O and inserting in place thereof the following section:—

Section 39O. Contracts for construction and materials; adjustment in contract price for suspension, delay or interruption; written claim.

Section 39O. Every contract subject to the provisions of section 39M of this chapter or subject to section 44A of Chapter 149 shall contain the following provisions (a), (b) and (c) in their entirety.

(a) The awarding authority may, by written order, direct the general contractor in writing to suspend, delay, or interrupt all or any part of the work for such period of time as it may determine to be appropriate for the convenience of the awarding authority. In the event the awarding authority issues such written order, or in the absence of a written order, the performance of all or any part of the work is suspended, delayed, disrupted, or interrupted for a period of 10 days, either consecutive or in the aggregate, for any reason provided in subsections (1), (2) or (3) below, the awarding authority shall make an adjustment in the contract price for any increase in the cost of performance of this contract, but shall not include any profit to the general contractor on such increase.

(1) Any act(s), error(s) or omission(s) of the awarding authority, its agents or consultants, in the administration of the contract; or

(2) Any failure(s) or the awarding authority, its agents or consultants, to act within a reasonable time in the administration of the contract; or

(3) Any act(s), error(s), or omission(s) of a utility, railroad, government entity or other third part not caused by the general contractor.

(b) The general contractor must notify the awarding authority in writing as soon as practicable of any suspension, delay, disruption, or interruption as provided in provision (a) above and must submit in writing, as soon as practicable, the amount of a claim arising pursuant to provision (a).

c) In the event a suspension, delay, disruption or interruption as provided in provision (a) above, increases the cost of performance to any subcontractor, that subcontractor shall have the same rights against the general contractor for payment for an increase in the

cost of his performance as provisions (a) and (b) give the general

contractor against the awarding authority, but nothing in provisions (a) and (b) shall in any way change, modify or alter any other rights which the general contractor or the sub-contractor may have against each other.”

The amendment was rejected.

Mr. Hari moved that the bill be amended, in section 52 of the bill by adding after the words “by this act” in the first sentence the following:— “or by chapter 86 of the acts of 2008.”

The amendment was adopted.

Mr. Galluccio moved that the bill be amended, in section 2C, in item 6001-0804, by striking out the figure “\$65,000,000” and inserting in place thereof the following figure:— “\$95,000,000”.

The amendment was rejected.

Mr. Morrissey moved that the bill be amended, in section 2A, in item 6033-0817, by inserting after the words “in said city of Quincy;”, in line 311, the following:— “provided further, that \$500,000 shall be expended for street improvements along Washington Street in the town of Abington;”.

The amendment was adopted.

Mr. Panagiotakos moved that the bill be amended, in section 2A, in item 6033-0817, by striking out, in lines 83 and 84, the words “improvements at the Summer street intersection in the town of Hingham” and inserting in place thereof the following words:— “the study and redesign of Summer street and George Washington boulevard in the towns of Hingham and Hull”;

In said section 2A, in said item 6033-0817, by striking out, in

line 98, the figure “\$4,700,000” and inserting in place thereof the following figure:— “\$10,000,000”;

In said section 2A, in said item 6033-0817, by striking out, in lines 108 to 110, inclusive, the words “for the installation of traffic signals at the intersection of Charles and Canal streets in the city of Malden” and inserting in place thereof the following words:— “to install and make functional a dedicated left turn signal in the northbound lane of interstate highway route 28 in the town of Reading at the intersection of said route 28 and Franklin street”;

In section 2A, in said item 6033-0817, by inserting after the word “Malden;”, in line 110, by inserting the following words:— “provided further that \$200,000 shall be expended for the design, planning and reconstruction of the Elm Street Bridge spanning the Jones River in the town of Kingston;”

In said section 2A, in said item 6033-0817, by inserting after the word “Merrimac”, in line 122, the following words:— “; provided further, that \$200,000 shall be expended for costs associated with the discontinued use of River road and the construction of a pedestrian corridor in said town of Merrimac”;

In said section 2A, in said item 6033-0817, by striking out, in lines 144 to 147, inclusive, the words “; provided further, that \$6,000,000 shall be expended for the reconstruction and discontinuance of a segment of the Needham street corridor from the state highway route 9 westbound ramps to the Needham town line;”

In said section 2A, in said item 6033-0817, by striking out, in lines 160 to 162, inclusive, the words “; provided further, that \$2,100,000 shall be expended for the reconstruction and discontinuance of a segment of the Highland avenue corridor from Webster street to the Newton city line”;

In section 2A, in said item 6033-0817, after the word “Sharon;”, in line 195, by inserting the following words:— “provided further that \$600,000 be provided for bridge repair work at Brook Road in Plymouth;”

In section 2A, in said item 6033-0817, after the word “Shrewsbury;”, in line 204, by inserting the following words:— “provided further that not less than \$1,000,000 shall be expended for public safety and streetscape improvements to Quaker Meetinghouse Road from Route 6A to Route 130 in the town of Sandwich;”

In section 2A, in said item 6033-0817, by striking out, in lines 219 to 223, inclusive, the words “provided further, that \$9,200,000 shall be expended for signalization and roadway improvements to the state highway route 116 and the Main street corridor in the city of Springfield from the interstate highway route 91 northbound off- ramp at interchange 10 to the Chicopee city line;”

In section 2A, in said item 6033-0817, after the word “Westminster;”, in line 229, by inserting the following words:— “provided further that \$600,000 be provided for bridge repair work at Bartlett Road in Plymouth;”

In section 2A, in said item 6033-0817, after the word “project;”, in line 275, by inserting the following words:— “provided further that not less than \$2,000,000 shall be expended for public safety and streetscape improvements to Meetinghouse Lane in the town

of Bourne;”

In section 2A, in said item 6033-0817, after the word “Medford;”, in line 299, by inserting the following words:— “provided further that not less than \$400,000 be expended for the design and installation of a traffic signal at the West Barnstable-Osterville and route 28 intersection in the town of Barnstable;”

In said section 2A, in said item 6033-0817, by inserting after the word “parkway”, in line 311, the following words:— “to the Southern Artery”;

In section 2A, in said item 6033-0817, after the word “Ashland;” in line 333, by inserting the following words:— “provided further that not less than \$150,000 be expended to provide a plan for the MBTA commuter rail line ending in the village of Buzzards Bay in the town of Bourne. Said study will include a plan for parking and pedestrian walkways provided further that said plan include but not be limited to an evaluation of: the impact of traffic; impact to retail and residential areas; parking requirements and availability of space; pedestrian walkways; rail in flood and velocity zone; land and auxiliary needs;”

In section 2A, in said item 6033-0817, in lines 342 to 344, inclusive, by striking out the words “provided further, that \$2,900,000 shall be provided for parking for the Quadrant Area Project in the city of Lawrence;”.

In section 2A, in said item 6033-0817, in line 360, by striking out the figure “\$401,500,000” and inserting in place thereof the following figure:— “\$501,500,000”.

In said section 2A, in said item 6033-0817, by striking out, in line 348, the words “93 northbound” and inserting in place thereof the following figure:— “95”;

In section 2A, item 6033-0817, by inserting at the end thereof the following words:— “; provided further that not less than \$250,000 shall be expended for the purpose of installing noise barriers along the Massachusetts Turnpike in the town of Grafton; and provided further that not less than \$15,000,000 shall be expended for transportation infrastructure improvements at the Salem commuter rail station.”

In section 2C by striking out, in lines 536 to 555, inclusive, items 6001-0810 and 6001-0811; and in section 2C, by adding the following 2 items under the following caption:—

“EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Office of the Secretary.

6001-0817 For a grant program to provide for commercial and residential transportation and infrastructure development, improvements and various capital investment projects under the Growth Districts Initiative established by the executive office of housing and economic development; provided, that the secretary of housing and economic development, in consultation with the secretary of transportation and public works, shall, not later than December 31, 2008, promulgate regulations or issue guidelines regarding the proposed program described herein; provided further, that annually not later than December 31, the secretary shall issue a written report to the clerks of the senate and house of representatives, the chairs of joint committee on bonding, capital expenditures and state assets, the chairs of the joint committee on transportation, the chairs of the joint committee on economic development and emerging technologies and the chairs of the senate and house committees on ways and means which shall include detailed descriptions of any infrastructure improvement projects funded pursuant to this program and all funds expended for this purpose 50,000,000

6001-0818 For an off-street parking program pursuant to chapter 487 of the acts of 1980 45,000,000”;

In section 5, lines 691 through 692, inclusive, by striking out the sentence “All meetings shall be public.”

In section 9, lines 834 through 836, inclusive, by striking out the words “provided, however, that the bond shall be in an amount contained in a writing approved by a representative of the department but shall not be less than \$300,000” and inserting in place thereof the following words:— “provided, however, that the bond shall not be less than \$300,000 unless a lesser amount is approved in writing by a representative of the department”;

By striking out sections 32 and 34.

In section 36, lines 1067 and 1072, by striking the figure “67” and inserting in place thereof the following figure:— “37”;

In section 39, line 1106, by striking the figure “\$411,800,000” and inserting in place thereof the following figure:— “\$511,800,000”;

In section 41, line 1166, by striking the figure “\$309,000,000” and inserting in place thereof the following figure:— “\$234,000,000”;

In section 43, line 1225 through 1228, inclusive, by striking the words “; provided, however, that any federal grants received by the commonwealth or the Massachusetts Bay Transportation Authority for the Green Line to Medford Hillside and Union Square spur project shall be applied to reduce the state authorization by that amount”;

In section 57, line 1591, by striking the figure “2043” and inserting in place thereof the following figure:— “2018”; and

In section 57, line 1598, by striking the figure “30” and inserting in place thereof the following figure:— “5”.

The amendment was adopted.

After remarks, the Ways and Means amendment, as amended, was adopted.

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

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays at twenty-nine minutes past four o’clock P.M., on motion of Mr. Panagiotakos, as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 270**]:

YEAS.	
Antonioni, Robert A.	Buoniconti, Stephen J.
Augustus, Edward M., Jr.	Candaras, Gale D..
Baddour, Steven A.	Chandler, Harriette L.
Berry, Frederick E.	Creedon, Robert S., Jr.
Brewer, Stephen M.	O’Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Downing, Benjamin B.	Panagiotakos, Steven C.
Fargo, Susan C.	Petrucelli, Anthony
Galluccio, Anthony D.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Hedlund, Robert L.	Spilka, Karen E.
Jehlen, Patricia D..	Tarr, Bruce E.
Joyce, Brian A.	Timilty, James E.
Knapik, Michael R.	Tisei, Richard R.
McGee, Thomas M.	Tolman, Steven A.
Menard, Joan M.	Tucker, Susan C.
Montigny, Mark C.	Walsh, Marian
Moore, Richard T.	Wilkerson, Dianne — 37.
Morrissey, Michael W.	
NAYS — 0.	
ABSENT OR NOT VOTING.	
Creem, Cynthia Stone	Marzilli, Jim — 2.

The yeas and nays having been completed at twenty-eight minutes before five o’clock P.M., the bill was passed to be engrossed. [For text of Senate amendments, printed as amended, see Senate, No. 2800].
Sent to the House for concurrence in the amendment.

Reports of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Mary Mercurio, an employee of the Department of Social Services (House, No. 4868),— ought to pass, with an amendment by inserting at the end thereof the following:— “Sick leave bank days may not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the department.”.

There being no objection, the rules were suspended, on motion of Mr. Brewer, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence with the amendment.

Sent to the House for concurrence in the amendment.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Sarah Carmichael, an employee of the Department of Youth Services (House, No. 4882) ought to pass, with an amendment by inserting at the end thereof the following:— “Sick leave bank days may not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the department.”.

There being no objection, the rules were suspended, on motion of Ms. Chandler, and the bill was read a second time and was amended, as recommended by the committee on Way and Means.

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Mr. Downing for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill providing automobile insurance special investigators with access to Registry of Motor Vehicle photographs (Senate, No. 2120) (the committee on Ethics and Rules having recommended that the bill be amended, in section 1, by striking out subsection (c)).

There being no objection, the rules were suspended, on motion of Mr. Joyce, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2120, 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 providing automobile insurance special investigators with access to registry of motor vehicle photographs”.

Sent to the House for concurrence.

Mr. Downing, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill relative to the Duke’s County land bank (Senate, No. 1180).

There being no objection, the rules were suspended, on motion of Mr. O’Leary, 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 relative to the Martha’s Vineyard land bank “.

Sent to the House for concurrence.

Mr. Downing for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill establishing a permanent commission on the social status of black males (Senate, No. 2182) (the committee on Ways and Means having recommended that the bill be amended substituting a new draft with then same title (Senate, No. 2795).

There being no objection, the rules were suspended, on motion of Ms. Wilkerson, and the bill was read a second time and was amended, as recommended by the committee on Ethics and Rules.

The bill (Senate, No. 2795) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

Mr. Downing, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill relative to annual observance of Massachusetts Nonprofit Awareness Day (Senate, No. 2679).

There being no objection, the rules were suspended, on motion of Ms. Wilkerson, 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 providing for the annual observance of Massachusetts Nonprofit Awareness Day”.

Sent to the House for concurrence.

Mr. Downing, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill relative to the granting of an easement by the town of Sharon (printed in House, No. 4738).

There being no objection, the rules were suspended, on motion of Mr. Timilty, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act authorizing the granting of an easement by the town of Sharon”.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4954) of Michael A. Costello for legislation to authorize the appointment of two additional assistant clerks in the district court of Peabody;

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

Joint petition (accompanied by bill, House, No. 4955) of James E. Timilty and John H. Rogers for legislation to establish a sick

leave bank for Timothy M. Larkin, an employee of the Division of Information Technology of the Commonwealth.
Under suspension of Joint Rule 12, to the committee on Public Service.

Orders Adopted.

Mr. Timilty offered the following order to wit:—

Ordered, That notwithstanding the provisions of Joint Rule 10, the joint committee on Public Safety and Homeland Security be granted until Friday, July 18, 2008 within which time to make its final report on a certain current Senate document numbered 2739, to promote business continuity and recovery after a disaster.

Under the rules, referred to the committees on Rules of the two branches, acting concurrently.

Subsequently, Mr. Downing, for the said committees, reported, recommending that the order ought to be adopted.

The rules were suspended, on motion of Mr. Timilty, and the order was considered forthwith and adopted.

Sent to the House for concurrence.

On motion of Mr. Berry,—

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.

Moment of Silence.

At the request of the President, the members, guests and employees stood in a moment of silence and reflection to the memory of Alice “Sissy” Meehan.

Adjournment in Memory of Alice “Sissy” Meehan.

The Senators from Middlesex, Mr. Panagiotakos and Ms. Fargo, the Senator from Bristol and Plymouth, Ms. Menard, the Senator from Essex, Mr. Baddour and the Senators from Essex and Middlesex, Ms. Tucker and Mr. Tarr, requested that when the Senate adjourns today, it adjourn in memory of Alice “Sissy” Meehan.

Mrs. Meehan passed away on July 8, 2008, surrounded by family and friends, after a 6-month battle with cancer. She is survived by three sons, Martin, University of Massachusetts chancellor and former United States Representative, Mark and Paul, both of Tyngsboro; and four daughters, Colleen Turco of Chelmsford, Kathleen Meehan-Bailey and Mary Carnevale, both of Lowell, and Maureen Meehan-Gilet of Tyngsboro; 18 grandchildren and two great-grandchildren. Mrs. Meehan loved spending time with her family. She also enjoyed traveling, spending her summers at Seabrook and Salisbury beaches and recently, her winters in Tuscon, Arizona. Mrs. Meehan was born and raised in Lowell, Massachusetts, where she lived on London Street for over 40 years. She will be greatly missed.

Accordingly, as a mark of respect to the memory of Alice “Sissy” Meehan, at sixteen minutes before five o'clock P.M., on motion of Ms. Menard, the Senate adjourned to meet again Monday next at eleven o'clock A.M.