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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, March 20, 2008.

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

Distinguished Guest.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. Galluccio for the purpose of an introduction. Mr. Galluccio then introduced Luis Rosado from the Dominican Republic.

Mr. Rosado is the P.R. Director at the Falcondo Mining Company. He was accompanied by his son Lester, his niece, Ludibel, his brother-in-law, Diogenes, and his cousin, Angel.

Communication.

A communication from Bridgewater State Hospital relative to a plan of correction submitted pursuant to inspection of Bridgewater State Hospital (received Tuesday, March 18),— **was placed on file.**

Reports.

The following reports were severally read and referred as follows:

A report of the Massachusetts Dairy Farm Revitalization Task Force (under the provisions of Section 17 of Chapter 42 of the Acts of 2007) so much as relates to establishing the Massachusetts Dairy Farm Linked Loan Deposit (Senate, No. 2548, Appendix B) (received Wednesday, March 5, 2008); and

A report of the Massachusetts Dairy Farm Revitalization Task Force under the provisions of Section 17 of Chapter 42 of the Acts of 2007) so much as relates to establishing the Massachusetts State Dairy Farm Promotion Board (Senate, No. 2548, Appendix C) (received Wednesday, March 5, 2008);

**Severally to the committee on Environment, Natural Resources and Agriculture.
Severally sent to the House for concurrence.**

The following reports were severally read and placed on file:

A report of the Massachusetts Dairy Farm Revitalization Task Force (under the provisions of Section 17 of Chapter 42 of the Acts of 2007) for legislation submitting its findings and recommendations (Senate, No. 2548) (received Wednesday, March 5, 2008); and

A report of the Committee for Public Counsel Services (pursuant to line item 0321-1500 in the Commonwealth's Fiscal Year 2008 Budget) submitting its Committee for Public Counsel Services 2008 Report to the Legislature (received Tuesday, March 18, 2008).

The following reports were severally read and sent to the House for its information:

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspection of the Old Colony Correctional Center (received Wednesday, March 19, 2008);

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspection of the Worcester County House of Correction and Jail (received Wednesday, March 19, 2008); and

A report of the Department of Public Health relative to the replacement of the February, 2008 inspection of the Massachusetts Treatment Center with this letter and the attachment as the official report (received Wednesday, March 19, 2008).

Petition.

Mr. Moore presented a petition (subject to Joint Rule 12) of Richard T. Moore, Harriette L. Chandler, Paul Kujawski, George N. Peterson, Jr., and other members of the General Court for legislation to promote business continuity and recovery after a disaster,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Reports of Committees.

By Ms. Resor, for the committee on Environment, Natural Resources and Agriculture, on petition, a Bill amending the conservation restrictions and agricultural preservations statutes (Senate, No. 470);

By the same Senator, for the same committee, on petition, a Bill relative to the MWRA bond cap (Senate, No. 504);

By Mr. Baddour, for the committee on Transportation, on petition, a Bill authorizing the Massachusetts Highway Department to grant certain easements in the town of Petersham (Senate, No. 2411); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 2084), a Bill to further promote rail trail revitalization of certain discontinued railroad rights of way (Senate, No. 2550);

Severally read and, under Joint Rule 1F, referred to the committee on Bonding, Capital Expenditures and State Assets.

By Ms. Jehlen, for the committee on Elder Affairs, on petition, a Bill relative to continuity of coverage for medicaid beneficiaries over the age of 65 (Senate, No. 415);

By Ms. Candaras, for the committee on Mental Health and Substance Abuse, on petition, a Bill governing removal of certain occupants to clients of the Department of Social Services (Senate, No. 1085);

By the same Senator, for the same committee, on petition, a Bill relative to adult day health services (Senate, No. 1114);

By the same Senator, for the same committee, on petition, a Bill relative to preventing the use of the narcotic known as ecstasy or methylenedioxymethamphetamine (Senate, No. 1115);

By the same Senator, for the same committee, on petition, a Bill to preserve access to behavioral health services (Senate, No. 1126);

By the same Senator, for the same committee, on petition, a Bill to ensure adequate adult day health services (Senate, No. 1142);

By the same Senator, for the same committee, on Senate, No. 1139 and House, No. 1911, a Bill relative to requiring parental notice of treatment of minors for drug overdoses (Senate, No. 2557);

By Ms. Fargo, for the committee on Public Health, on petition, a Bill relative to the division of medical assistance (Senate, No. 1313);

By the same Senator, for the same committee, on Senate, Nos. 1272 and 1330, a Bill improving access to emergency care (Senate, No. 1330); and

By the same Senator, for the same committee, on petition, a Bill establishing the Massachusetts Vision Coalition Fund (Senate, No. 2071);

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Ms. Resor, for the committee on Environment, Natural Resources and Agriculture, on petition, a Bill preserving an equitable allocation of drinking water supplies for the citizens of the Commonwealth (Senate, No. 490);

By the same Senator, for the same committee, on petition, a Bill relative to establishing a deposit and return system for motor vehicle tires in the Commonwealth (Senate, No. 494);
By the same Senator, for the same committee, on petition, a Bill relative to establishing the Massachusetts conservation corps (Senate, No. 525);
By Ms. Candaras, for the committee on Mental Health and Substance Abuse, on petition, a Bill to impose a civil fine for the possession of marihuana (Senate, No. 1121);
By Ms. Fargo, for the committee on Public Health, on petition, a Bill further regulating the rights of adopted children (Senate, No. 1234);
By Mr. Baddour, for the committee on Transportation, on petition, a Bill relative to the Department of Highways (Senate, No. 2024);
By the same Senator, for the same committee, on petition, a Bill relative to stealing registration plates and the possession of stolen registration plates (Senate, No. 2038);
By the same Senator, for the same committee, on petition, a Bill authorizing the Massachusetts Highway Department to install certain signs (Senate, No. 2069); and
By the same Senator, for the same committee, on petition, a Bill increasing penalties for driving without a license or registration (Senate, No. 2108);

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

By Ms. Resor, for the committee on Environment, Natural Resources and Agriculture, on petition, a Bill designating a certain portion of sandy beach in Winchester as the Senator Charles E. Shannon, Jr. Memorial Beach (Senate, No. 2475);
By Mr. Petrucci, for the committee on Municipalities and Regional Government, on petition, a Bill authorizing the Board of Water Commissioners of the Mashpee Water District to approve certain abatements (Senate, No. 1178) [Local approval received];
By Mr. Baddour, for the committee on Transportation, on petition, a Bill increasing the penalties violating speed limits in school zones (Senate, No. 2019);
By the same Senator, for the same committee, on petition, a Bill to require certain safety devices in the controlling compartment of all railroad locomotives operated within the Commonwealth (Senate, No. 2111); and
By the same Senator, for the same committee, on petition, a Bill providing automobile insurance special investigators with access to Department of Motor Vehicle photographs (Senate, No. 2120);

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

By Mr. Baddour, for the committee on Transportation, ought NOT to pass:
On the petition (accompanied by bill, Senate, No. 2047) of Cynthia S. Creem, James E. Timilty, David P. Linsky and Robert K. Coughlin for legislation relative to MBTA paratransit services; and
On the petition (accompanied by bill, Senate, No. 2048) of Cynthia S. Creem for legislation relative to hands free cell phone devices;

Severally referred, under Senate Rule 36, to the committee on Ethics and Rules.

Committee Discharged.

Mr. Baddour, for the committee on Transportation, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 2033) of Stephen M. Brewer and Christopher J. Donelan for legislation relative to flooding in the town of Orange, and recommending that the same be referred to the Senate committee on Ways and Means.

Under Senate Rule 36, the report was considered forthwith and accepted.

Sent to the House for concurrence in the discharge of the joint committee.

PAPERS FROM THE HOUSE.

A Bill establishing a sick leave bank for Brian Leonard, an employee of the Department of Revenue (House, No. 4532,— on petition),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**
A Bill to promote the safety of victims of violence (House, No. 4348,— on House, No. 4111),— **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

Bills

Relative to certain roads on Nantucket Island (House, No. 4056,— on petition) [Local approval received];
Regarding municipal retiree health insurance in the town of Lanesborough (House, No. 4060,— on petition) [Local approval received]; and
Authorizing the town of Amesbury to grant 2 additional alcoholic beverage licenses (House, No. 4426,— on petition) [Local approval received];

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

A Communication from the Division of Energy Resources of the Executive Office of Energy and Environmental Affairs (under Section 12 of Chapter 25A of the General Laws) submitting a final amended draft regulation (225 CMR 13.00) establishing rules

for the conduct of auctions of carbon dioxide allowances to be administered by said division or its agents (accompanied by report, House, No. 4606),— **was referred, in concurrence, to the committee on State Administration and Regulatory Oversight.**

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 fourteen 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 Ms. Chandler and Mr. Augustus) “commending the Family Health Center of Worcester, Inc. for 35 years of providing high quality health care in the city of Worcester”;

Resolutions (filed by Mr. Galluccio) “commemorating the one hundredth anniversary of Harvard Business School”; and

Resolutions (filed by Messrs. Morrissey, Augustus, Brewer, Ms. Candaras, Messrs. Creedon and Downing, Ms. Fargo, Ms. Jehlen, Messrs. Marzilli, Moore, Pacheco, Panagiotakos, Ms. Resor, Mr. Rosenberg and Ms. Tucker) “congratulating the Department of Conservation and Recreation on its celebration of the seventy-fifth anniversary of the establishment of the Civilian Conservation Corps.”

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Relative to the affordable housing trust fund in the town of Provincetown (House, No. 4037);

Relative to a certain reserve fund in the town of Oak Bluffs (House, No. 4041); and

Increasing the membership of the board of selectmen in the town of Georgetown (House, No. 4166);

Were severally read a second time and ordered to a third reading.

The Senate Bill restricting the authority of the Holyoke Power & Electric Company and the Holyoke Water Power Company (Senate, No. 2554),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The House Bill establishing a sick leave bank for Donna L. Monfredo, an employee of the Department of Correction (House, No. 4571),— **was read a third time and passed to be engrossed, in concurrence.**

The Senate Bill further regulating teacher certification (Senate, No. 271, changed) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time.**

After debate, and pending the question on passing the bill to be engrossed, Mr. Tisei moved that the bill be laid on the table; and, in accordance with the provisions of Senate Rule 24, the consideration of the motion to lay on the table was postponed, without question, until the next session.

The Senate Bill establishing a campus rape and sexual assault prevention advisory council (Senate, No. 737) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time.**

After remarks, pending the question on passing the bill to be engrossed, on motion of Mr. O’Leary, the further consideration thereof was postponed until the next session.

The Senate Bill regulating volunteer dentistry (Senate, No. 1323) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and, after remarks, was passed to be engrossed.**

Sent to the House for concurrence.

The Senate Bill further regulating the sale and distribution of certain antiques containing mercury (Senate, No. 2555),— **was read a third time and, after remarks, was passed to be engrossed.**

Sent to the House for concurrence.

The House Bill further regulating the resale of mattresses (House, No. 4299) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and, after remarks, was passed to be engrossed, in concurrence.**

The engrossed Bill further regulating employee compensation (see Senate, No. 1059) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was laid before the Senate,— **the question being on passing the bill to be re-enacted.**

The pending motion, previously moved by Mr. Knapik, was considered; and, after debate, it was negatived.

After further debate, Mr. Knapik moved that the engrossed bill be laid on the table; and, in accordance with the provisions of Senate Rule 24, the consideration of the motion to lay on the table was postponed, without question, until the next session.

The House Bill providing for the investment in and expansion of the life sciences industry in the Commonwealth (House, No. 4554),— **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 2556; and by striking out the emergency preamble and inserting in place thereof the following emergency preamble:—

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the immediate capital improvement needs of the commonwealth, therefore it hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”,— **was considered.**

Messrs. Galluccio and O’Leary moved that the bill be amended by adding at the end the following additional section:—

“SECTION 45. There shall be established a Community College Life Sciences Training Council, for the purposes of developing and implementing a life sciences training program at the Commonwealth’s community college system of public institutions of higher education, hereinafter called the community college system, including: Berkshire Community College; Bristol Community College; Bunker Hill Community College; Cape Cod Community College; Greenfield Community College; Holyoke Community College; Massachusetts Bay Community College; Massasoit Community College; Middlesex Community College; Mount Wachusett Community College; Northern Essex Community College; North Shore Community College; Quinsigamond Community College; Roxbury Community College; and Springfield Technical Community College.

In developing a training program, the Council shall consider the number of job vacancies in the state's life sciences industry, the technical expertise that is required for community college system students to compete for these jobs, the need for developing mentorship and internship components to the program, and the impact of the program on retaining manufacturing and research and development jobs in the Commonwealth.

The Council shall consist of the Presidents of the institutions comprising the community college system or their respective designees; the secretary of education or his designee; and five members appointed by the governor, all of whom shall be a chief executive officer, or his designee, of a Massachusetts based life sciences corporation which is a member of the Massachusetts Biotechnology Council. The chair of the Council shall be the secretary of education or his designee.

The Council shall report its progress in developing and implementing the program, together with any recommendations for legislative action, to the clerks of the House and Senate, and to the Joint Committee on Higher Education, not later than 12 months after the effective date of this act. By December 31 of each year, the Council shall submit an annual report to the Joint Committee on Higher Education detailing the program, including a description of the program, the number of students participating in the program, the number of permanent job and internship placements made through the program, and any recommendations for improving the program.”

After remarks, the amendment was adopted.

During consideration of the matter, at seven minutes past five o’clock P.M., Mr. Tisei doubted the presence of a quorum. The Chair (Mr. Tolman), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently, at nine minutes past five o’clock P.M., a quorum was declared present; and the Senate proceeded with the business at hand.

Mr. Montigny moved that the bill be amended in Section 4, subsection (2)(B) be stricken in its entirety and replaced with the following language:

“(B) The certification of a project shall be revoked by the secretary of housing and economic development after an independent investigation and determination that a project’s actual return on investment is less than 70 per cent of the return on investment projected in the project proposal.

i. if the project is decertified pursuant to this section, the secretary of administration and finance, in cooperation with the department of revenue shall recapture all subsidies, including, but not limited to tax credits, tax incentives, all grants and capital funds received by, or on behalf of, the certified life sciences project from the project’s corporate parent as follows;

(a) upon a failure by the certified life sciences project to create the required number of jobs or to pay the required wages or

benefits, the amount recaptured shall be based on the pro rata amount by which the unfulfilled jobs, wages or benefits bear to the total amount of the project's subsidies provided by the commonwealth; or

(b) upon a failure of the corporate parent of a certified life sciences project to maintain 70% of its employment in the commonwealth;

ii. the rate of recapture shall equal twice the percentage by which such employment is less than 70%.

iii. the secretary of housing and economic development shall provide notice to the recipient corporation of its intent to recapture the subsidies and state the reasons and amount to be recaptured. The recipient corporation shall remit to the general fund such amount within 60 calendar days of the date of such notice.

iv. if a recipient corporation defaults on a subsidy in three consecutive calendar years, the secretary of housing and economic development shall declare the subsidies null and void, and shall so notify the secretary of administration and finance, the department of revenue, and the house and senate chairs of the committees on ways and means. The recipient corporation of a certified life sciences project shall pay back to the granting body all remaining value of the development subsidy it has not previously repaid within 180 calendar days of the date of the notice of such default.

v. if the secretary of housing and economic development fails to enforce any provision of this act, any individual who paid personal income taxes to the commonwealth in the calendar year prior to the year in dispute, or any organization representing such taxpayers, shall be entitled to bring an equitable action in state court to compel enforcement under this statute. No actual or punitive damages shall be awarded in such action pursuant to this section.

The amendment was rejected.

After remarks, Mr. Montigny moved that the bill be amended in Section 4(b)(1) (viii) of the bill shall be stricken in its entirety and replaced with the following: "expend no less than \$50 million in municipalities where the unemployment rate is at least 1.5% higher than the statewide average in the year of the application for certification as a life sciences project; or the median income of the municipality is 80% or less of the state median income in the year of the application for certification as a life sciences project. The department, in conjunction with the center, shall give highest priority to projects in municipalities in which both criteria are applicable."

After debate, the amendment was rejected.

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

"Section XXX. The provisions of chapter 30B of the General Laws, shall apply to the procurement at all stages of every certified life sciences project and shall apply to any life sciences company, other governmental entity, the Life Sciences Center and any corporate subdivision, subsidiary, agent, contractor, or subcontractor, private or public, provided any funds, bonding authority or bond authorization, or tax benefit in accordance with this act. The provisions of sections 38½ to 38O, inclusive, of chapter 7, section 39M of chapter 30, sections 44A to 44M, inclusive, of chapter 149 and any other general or special law, regulation, ordinance or bylaw providing for the advertising, bidding, or awarding of contracts for design, construction or improvement to property shall apply to all projects certified by the secretary pursuant to this act. The University of Massachusetts Building Authority is expressly precluded from utilizing alternate procurement and is subject to all public bidding laws. Any private entity, including subcontractors, involved in the design, engineering, construction, maintenance or operation of any certified life sciences project shall make good faith efforts to comply with the hiring goals in any resident hiring policy adopted by the municipality relative to the contracting with women and minority-owned enterprises; and to comply with any responsible employer ordinance, so-called, adopted by the municipality. All private entities, including subcontractors, involved in the design, engineering, construction, maintenance or operation of the certified life sciences project shall furnish to the secretary of administration and finance and to the chairs of the senate and house committees on ways and means, documentation showing that all employees involved with the project are provided with hospitalization and medical benefits that meet the requirements of the Connector Board established by chapter 58 of the Acts of 2006. The private entity and all subcontractors shall properly classify individuals employed on the project as employees rather than independent contractors and comply with all laws concerning workers compensation insurance coverage, unemployment insurance, social security taxes and income taxes as respects all such employees."

After remarks, the amendment was rejected.

Mr. Montigny moved that the bill be amended by adding the following Section:

Section XXX: All records including, but not limited to, documents in the custody or control of the Life Sciences Center; all documents required to be prepared or maintained under this act;

all documents provided to the Life Sciences Center by any private entity, including but not limited to, all application materials relative to certifying a life sciences project, all progress reports, recapture notices and any other records or proceedings relating thereto, shall be subject to disclosure under the chapter 66 of the General Laws; provided further that all meetings of the Life Sciences Center shall be subject to the commonwealth's open meeting laws."

After remarks, the amendment was adopted.

Mr. Montigny moved that the bill be amended by striking the language contained line item 7007-9038 and to transfer the funds contained therein to line item 7100-0250; provided further that all such funds shall be expended for public research; and provided further that not less than \$5,000,000 shall be expended in total in a given year for research related to orphan illnesses and diseases; and provided further that not less than \$50 million shall be expended in the aggregate for research related to orphan

illnesses and diseases.”

After remarks, the amendment was rejected.

Mr. Augustus moved that the bill be amended in Section 18 (c) (2) by striking out the words “to induce” and inserting in place thereof the following— “in connection with support from”; and by striking out the word “fund” and inserting after the words, “grant-funding sources” the word, “related”

After remarks, the amendment was adopted.

Ms. Chandler moved that the bill be amended in Section 18 by inserting after the word “funding,” in line 480, the following:— “proof of concept funding,”; by inserting after the word “fellowships,” in line 494, the following:— “co-ops, internships, loans,”; and by inserting after the word “grants,” in line 494 the following:— “(5) to provide funding for development, coordination, and marketing of higher education programs in life sciences fields; (6) to provide work force training grants to prepare individuals for life sciences fields; (7) to otherwise further the public purposes set forth in this chapter”.

After remarks, the amendment was adopted.

Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved that the bill be amended in section 4, by inserting, in subpart (3) of subsection (c) of the proposed section 63, at the end thereof the following:—

“Any project proposal rejected by the department shall have accompanying such a notice a written statement detailing the reasons set forth for the rejection. Included in the statement shall be any assumptions or conclusions considered which contradict the basis for the initial approval given by the center, as well as detail the methodology utilized to reach such result.”

After remarks, the amendment was adopted.

Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved that the bill be amended in section 4, in subsection (a) of the proposed section 63, by striking the definition for the term “Life sciences project” and inserting in place thereof the following:—

“‘Life sciences project’, that portion of a life sciences sector business consisting of a new, expanded or maintained facility that in its entirety, as of the project proposal date, is located in the commonwealth and that: (i) shall increase the number of permanent full-time employees employed by the life sciences sector business in the commonwealth or (ii) shall maintain the existing number of permanent full-time employees employed by the life sciences sector business in the commonwealth; and (iii) shall not result in a replacement or relocation of permanent full-time employees employed by the life sciences sector business at any other facility in the commonwealth; provided, however, that if a facility shall be located in the commonwealth after the project proposal date, the term shall refer only to a facility which: (1) shall be the first facility of the life sciences sector business to be located in the commonwealth; (2) shall be a new facility of the life sciences sector business, which is not a replacement or relocation of an existing facility; or (3) shall be an expansion of an existing facility which results in an increase in permanent full-time employees.”

After remarks, the amendment was adopted.

Mr. Morrissey moved that the bill be amended by inserting after section 35 the following new section:—

“SECTION 35A. Said chapter 63 is hereby further amended by inserting after section 38P the following new section:—

Section 38Q. (a) As used in this chapter the following words shall, unless the context clearly requires otherwise, have the following meaning:

‘Qualified US Life Science Headquarters company’, an affiliated group, as defined in Section 1504(a) of the Internal Revenue Code of 1986 that derives at least 70 percent of its revenue from the sale or license of life science products or intellectual property, or the rendering of contract life sciences services, or the combination of the two, if either (1) greater than 70 percent of all commercial employees, excluding sales representatives, are Massachusetts based employees, or (2) if greater than 70 percent of all tangible property excluding inventory, leased or owned, would be apportionable to Massachusetts in the fiscal year, notwithstanding the company's ability to qualify for single sales factor apportionment.

(b) For Qualified US Life Science Headquarters Companies, research and development costs, within the meaning of section 41(b) of the Code, shall include, to the extent they relate to legally mandated clinical trial activities, those qualified research expenditures that are performed both inside and outside of the commonwealth.

(c) A Qualified US Life Science Headquarters company shall be allowed a credit against its excise due under this chapter equal to the sum of ten percent of the excess, if any, of the qualified research expenses for the taxable year, over the base amount; and fifteen percent of the basic research payments determined under subsection (e)(1)(A) of section forty-one of the Federal Internal Revenue Code. The terms, ‘qualified research expenses’, ‘base amount’, ‘qualified organization base period amount’, ‘basic research’, and any other terms affecting the calculation of said credit shall, unless the context otherwise requires or unless otherwise stated herein, have the same meanings as under said section forty-one of said Code as amended and in effect on August twelfth, 1991. In determining the amount of the credit allowable under this section, the commissioner of revenue may aggregate the activities of all corporations that are members of a controlled group of corporations, as defined by subsection (f)(1)(A) of section forty-one of said Code, and in addition may aggregate the activities of all entities, whether or not incorporated, that are under common control, as defined by subsection (f)(1)(B) of section forty-one of said Code.

(d) For purposes of section thirty, the deduction from gross income that may be taken with respect to any expenditures qualifying for a credit under said section forty-one of said Code as amended and in effect on August twelfth, 1991 shall be based upon its cost less the credit allowable hereunder; provided, however, that subsection (c) of section two hundred and eighty C of said Code

shall not apply.

(e) The credit allowed hereunder for any taxable year shall not reduce the excise to less than the amount due under subsection (b) of section thirty-two, subsection (b) of section thirty-nine, or section sixty-seven and under any act in addition thereto.

(f) The credit allowed under this section is limited to one hundred percent of a corporation's first twenty-five thousand dollars of excise, as determined before the allowance of any credits, plus seventy-five percent of the corporation's excise, as so determined in excess of twenty-five thousand dollars. The commissioner of revenue shall promulgate regulations similar to those authorized under section 38(c)(2)(B) of the Internal Revenue Code for purposes of apportioning the twenty-five thousand dollars amount among members of a controlled group. Nothing in this section shall alter the provisions of section thirty-two C, as it affects other credits under this chapter.

(g) In the case of corporations filing a combined return of income under section 32B, a credit generated by an individual member corporation under the provisions of this section shall first be applied against the excise attributable to that company under section thirty-two or thirty-nine, subject to the limitations of paragraphs (c) and (d). A member corporation with an excess research and development credit may apply its excess credit against the excise of another group member, to the extent that such other member corporation can use additional credits under the limitations of said paragraphs (c) and (d). Unused, unexpired credits generated by a member corporation shall be carried over from year to year by the individual corporation that generated the credit and shall not be refundable. Nothing in this section shall alter the provisions of paragraph (h) of section thirty-one A.

(h) Any corporation entitled to a credit under this section for any taxable year, may carry over and apply to its excise for any one or more of the next succeeding fifteen taxable years, the portion, as reduced from year to year, of its credit which exceeds its excise for the taxable year. Any corporation may carry over and apply to its excise for any subsequent taxable year the portion of those credits, as reduced from year to year, which were not allowed by paragraph (f).

(i) The commissioner of revenue shall promulgate such regulations as are necessary to implement this section.

(j) The provisions of this section shall apply to expenditures incurred on or after January first, 1991; in the case of any taxable year which begins before January first, 1991, and ends before December thirty-first, 1991, the base amount and the qualified organization base period amount with respect to such taxable year shall be the amount which bears the same ratio to the base amount and the qualified organization base period amount for such year, determined without regard to this paragraph, as the number of days in such taxable year on or after January first, 1991, bears to the total number of days in that taxable year.

SECTION 35B. Section 38Q of chapter 63, as inserted by section 35A of the bill, shall take effect for taxable years beginning on January 1, 2008 and before January 1, 2011 and shall expire on December 31, 2010."

The amendment was adopted.

Mr. Morrissey moved that the bill be amended in section 4, by striking out the definition of "Life sciences sector business" and inserting in place thereof the following:—

"'Life sciences sector business', a life sciences business located in the commonwealth and engaged in research, development, commercialization or manufacturing."

After remarks, the amendment was adopted.

Messrs. Tarr, Tisei, Knapik, Hedlund and Brown moved that the bill be amended by striking out Section 22(m) and replacing it with the following section:—

"SECTION 22. Section 6 of chapter 62 of the General Laws is hereby amended by inserting after subsection (1), as most recently amended by section 4 of chapter 63 of the acts of 2007, the following 2 subsections:—

(m) (1) A taxpayer subject to tax under this chapter which undertakes a project of economic investment within the commonwealth may take a credit against the taxes imposed by this chapter, in an amount equal to 10 per cent of the cost of qualifying property used exclusively in the commonwealth for the project. Qualifying property shall be tangible personal property and other tangible property, excluding property taxable under chapter 60A but including buildings and structural components of buildings acquired by purchase, as defined under section 179(d) of the Code, as amended and in effect for the taxable year, if the property is depreciable under section 167 of the Code and has a useful life of 4 years or more. If such property is disposed of or ceases to be in qualified use before the end of its useful life or before the end of the year in which the credit is to be taken, the recapture and related provisions of subsection (e) of section 31A of chapter 63 shall apply. A taxpayer taking a credit allowed under this subsection may not take the credit allowed by subsection (g) except to such extent, not to exceed 2 per cent of the cost of any qualifying property.

A credit is allowed under this section only to the extent that the taxpayer files the application with the department of business development, in a form as may be determined by the department.

(2) Any taxpayer entitled to a credit under this section for any taxable year may carry over and apply to its tax for any of the next succeeding 10 taxable years, that portion, as reduced from year to year, of those credits which exceed the tax for the taxable year.

(3) The commissioner of revenue shall adopt rules and regulations as are necessary to implement this section. Such rules and regulations may provide the adjustment of intercompany prices and elimination of intercompany transactions to ensure that all amounts upon which the credit is based reasonably reflect fair market value. In addition, such rules and regulations shall include provisions to prevent the generation of multiple credits with respect to the same property.

(4) If a credit allowed under this subsection, or a credit as may be allowed under subsection (g) as limited in this subsection, exceeds the tax otherwise due under chapter 62, 90 per cent of the balance of such credit shall, at the option of the taxpayer, be refundable to the taxpayer for the taxable year in which qualified property giving rise to that credit is placed in service. If such credit balance is refunded to the taxpayer, the credit carryover provisions of paragraph (2) and of paragraph (2) of subsection (g)

shall not apply.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at nine minutes before six o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 5 — nays 32*) [**Yeas and Nays No. 186**]:

YEAS.	
Brown, Scott P.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R. — 5.
Knapik, Michael R..	
NAYS.	
Antonioni, Robert A.	Marzilli, Jim
Augustus, Edward M., Jr.	McGee, Thomas M.
Baddour, Steven A.	Menard, Joan M.
Berry, Frederick E.	Montigny, Mark C.
Brewer, Stephen M.	Moore, Richard T.
Buoniconti, Stephen J.	Morrissey, Michael W.
Candaras, Gale D.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Petrucelli, Anthony
Downing, Benjamin B.	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Galluccio, Anthony D.	Timilty, James E.
Hart, John A., Jr.	Tolman, Steven A.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian — 32.
ABSENT OR NOT VOTING.	
Resor, Pamela	Wilkerson, Dianne — 2.

The yeas and nays having been completed at four minutes before six o'clock P.M., the amendment was rejected.

Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved that the bill be amended in section 4, by striking out subsection (d) of the

proposed section 63, and inserting in place thereof the following:—

“(d) A certified life sciences project shall be eligible for the tax benefits made available to life sciences projects under this chapter, chapter 62 and chapter 64H in such amounts granted by the secretary of housing and economic development and the secretary of administration and finance. The tax benefit granted shall be proportional to the projected economic benefit of the proposed life science project and shall be distributed in an equitable manner amongst proposals of varying size and scope. The department of business development shall estimate in writing the tax cost of extending benefits to a proposed project before certification, as approved in writing by the commissioner of revenue, based on reasonable projections of project activities and costs. Nothing in this subsection shall otherwise limit tax incentives that are otherwise available to the taxpayer.”; and by striking out subsection (e).

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at one minute before six o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 6 — nays 31*) [**Yeas and Nays No. 187**]:

YEAS.	
Brown, Scott P.	Montigny, Mark C.
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R..	Tisei, Richard R. — 6.
NAYS.	
Antonioni, Robert A.	Marzilli, Jim
Augustus, Edward M., Jr.	McGee, Thomas M.
Baddour, Steven A.	Menard, Joan M.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Buoniconti, Stephen J.	O’Leary, Robert A.
Candaras, Gale D.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Petrucelli, Anthony
Creem, Cynthia Stone	Rosenberg, Stanley C.
Downing, Benjamin B.	Spilka, Karen E.
Fargo, Susan C.	Timilty, James E.
Galluccio, Anthony D.	Tolman, Steven A.
Hart, John A., Jr.	Tucker, Susan C.
Jehlen, Patricia D.	Walsh, Marian — 31.
Joyce, Brian A.	
ABSENT OR NOT VOTING.	
Resor, Pamela	Wilkerson, Dianne — 2.

The yeas and nays having been completed at three minutes past six o’clock P.M., the amendment was rejected.

Messrs. Tarr, Tisei, Knapik, Hedlund and Brown moved that the bill be amended in section 18, by inserting a new paragraph at the end of the section:—

“The Massachusetts Life Sciences Center, in consultation with the University of Massachusetts, the Board of Higher Education, and the Secretary of Labor and Workforce Development shall identify career opportunities for citizens of the Commonwealth not presently possessing post-graduate degrees, and those educational programs necessary to enabling the pursuit of those opportunities through the attainment of specific skills and competencies.

The center shall develop strategies for the development and operation of such educational programs, and may provide funding in the amounts necessary to create and/or advance or sustain them.

The center shall report annually to the clerks of the House and Senate any opportunities identified pursuant to this section, together with any strategies identified to capture those opportunities and amounts of funding provided to support them.”

The amendment was adopted.

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

“SECTION XX: The Massachusetts Life Sciences Center shall, within one year of the passage of this act, and every five years thereafter, file a report which analyzes any regions and specific municipalities in the Commonwealth with the potential for the development of clusters — areas where many life sciences businesses could be developed in close proximity to each other — in

one or more of the life sciences, and which contains a strategy developed by the Center to facilitate the development of such clusters in a timely and cost-effective manner.

Said report shall be filed with the Secretary of Housing and Economic Development, the clerks of the House of Representatives and the Senate, and the Senate and House committees on ways and means.”

The amendment was adopted.

Messrs. Tarr, Tisei, Knapik, Hedlund and Brown moved that the bill be amended after Section 22 by adding the following new section:—

“SECTION 23. Section 38M of chapter 63 is hereby amended by adding at the end thereof by inserting the following new paragraph:—

‘Any corporation entitled to a credit under this section, may, assign, in whole or in part, any portion of the credit that exceeds its tax liability in a given year. The commissioner of revenue shall certify the amount, if any, a corporation is entitled to assign by January 30 each year for the preceding taxable year. The assignment shall be made for due consideration not less than seventy-five per cent of the actual value of the assigned tax credit. Any corporation who is the beneficiary of such assignment must apply said credit in the taxable year commencing immediately after the year in which the credit is earned. Said credit may not be carried over to subsequent tax years.’ ”

The amendment was rejected.

Mr. Hedlund moved that the bill be amended in section 2B, in item 7007-9037, by striking out the wording and inserting in place thereof the following wording:—

“For grants related to site remediation, preparation and ancillary infrastructure improvement projects; provided, that the local government body and an entity involved in the project shall jointly submit a request for funding to the secretary of housing and economic development; provided further, that the request shall include sufficient documentation including, but not limited to, a project plan with specific goals and objectives that fully details the proposed project and that the businesses associated with the project will generate substantial sales from outside the commonwealth and will result in the creation of a net increase of at least 100 new permanent full-time jobs in the commonwealth within 24 months after receipt of a grant and that those jobs will continue for at least 5 years; provided further, that no grants shall be awarded unless the project is certified under section 63 of chapter 23A of the General Laws; provided further, that the grants authorized from this appropriation shall not exceed \$12,500,000 in total in a given year; and provided further, that the executive office of housing and economic development shall not transfer any funds authorized in this item to the Massachusetts Life Sciences Center established in chapter 23I of the General Laws unless specifically authorized by the general court \$125,000,000”

The amendment was rejected.

Mr. Hedlund moved that the bill be amended in section 2B, in item 7007-9038, by striking out the wording and inserting in place thereof the following wording:—

“For grants for capital projects to be undertaken by the secretary, including the preparation of plans and specifications, acquisition, construction, renovation, reconstruction, alteration, improvement, demolition, expansion and repair of land and facilities and for the acquisition of furnishings and equipment, as determined by the secretary, for the purpose of carrying out chapter 23I of the General Laws; provided further, that no grant shall be awarded unless the project is certified under section 63 of chapter 23A of the General Laws; provided further, that the grants authorized from this appropriation shall not exceed \$12,500,000 in total in a given year; provided further, that the executive office of housing and economic development shall not transfer any funds authorized in this item to the Massachusetts Life Sciences Center established in chapter 23I of the General Laws unless specifically authorized by the general court; and provided further that up to half of the annual appropriation shall be used to establish a matching grant program overseen by MassDevelopment for the construction of housing developments consisting solely of single-family homes with no more than 2,000 square-feet of floor space \$125,000,000”

The amendment was rejected.

Mr. Petrucci moved that the bill be amended by adding the following:

“SECTION 45. Section 38C of Chapter 63 is hereby amended by inserting at the end of said section the following: Receipts attributable to the commonwealth shall only include receipts from ordinary business activity attributable to the commonwealth and shall not include receipts from investment income or from extraordinary transactions such as the sale of a business or settlements. Expenditures attributable to the commonwealth shall exclude expenditures related to corporate headquarters located in the commonwealth including expenses attributable to a company’s financial, personnel, legal and planning activities. Expenditures attributable to the commonwealth shall include expenditures related to research projects initiated, managed and directed from within the commonwealth. Expenditures allocable to research and development shall include both direct and indirect expenditures, including expenditures related to research and development activities performed by a third party. Section 42B of Chapter 63 is hereby amended by inserting at the end of said section the following: Receipts attributable to the commonwealth shall only include receipts from ordinary business activity attributable to the commonwealth and shall not include receipts from investment income or from extraordinary transactions such as the sale of a business or settlements. Expenditures attributable to the commonwealth shall exclude expenditures related to corporate headquarters located in the commonwealth including expenses attributable to a company’s financial, personnel, legal and planning activities. Expenditures attributable to the commonwealth shall include expenditures related to research projects initiated, managed and directed from within the

commonwealth. Expenditures allocable to research and development shall include both direct and indirect expenditures, including expenditures related to research and development activities performed by a third party.”

The amendment was rejected.

Ms. Creem moved that the bill be amended in section 42, by striking out in line 831 the word “others” and inserting in place thereof the following new words:— “other organizations working with Israel”.

After debate, the amendment was adopted.

Mr. Hedlund moved that the bill be amended by striking the language and inserting instead the following—

“(h) The Secretary must revoke certification when independent investigations conducted in two consecutive years determine that representations made by the life sciences sector business in its project proposal are materially at variance with the conduct of the life sciences sector business after the certification, and the actual return on investment by the life sciences sector business is less than 70 per cent of the return on investment projected in the project proposal.”

The amendment was adopted.

Mr. O’Leary and Ms. Menard moved that the bill be amended, in the paragraph 2 of section 17, by adding after the words “to further product development in the life sciences”, the following:— “and marine technology and marine biology”.

The amendment was adopted.

Mr. O’Leary and Ms. Menard moved that the bill be amended, in the definition of “life sciences” in section 4, by adding after the words “medical devices” the following:— “marine technology and marine biology”.

The amendment was adopted.

Messrs. Tolman and Gailuccio moved that the bill be amended by inserting at the end thereof the following new section:—

“Section XX. All private entities, including subcontractors, involved in the design, engineering, construction, maintenance or operation of the certified life sciences project shall include in its application to the appointing authority whether the developer has contracts with labor organizations and or a provision assuring labor harmony during all phases of such construction, renovation, or reconstruction of the development.

All private entities, including subcontractors, involved in the design, engineering, construction, maintenance or operation of the certified life sciences project shall furnish to the secretary of administration and finance and to the chairs of the senate and house committees on ways and means, documentation showing all employees employed on this project have hospitalization and medical benefits that meet the minimum requirements of the connector board established by chapter 58 of the acts of 2006.

All private entities, including subcontractors, involved in the design, engineering, construction, maintenance or operation of the certified life sciences project shall properly classify individuals employed on the project as employees rather than independent contractors and comply with all laws concerning workers compensation insurance coverage, unemployment insurance, social security taxes and income taxes as respects all such employees.”

After debate, the amendment was adopted.

Mr. Hedlund moved that the bill be amended by striking out section 8 and inserting in place thereof the following section:—

SECTION 8. Section 3 of said chapter 23I, as so inserted, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:— (b) The center shall be governed and its corporate powers exercised by a board of directors consisting of: the secretary of administration and finance or his designee; the secretary of housing and economic development or his designee; the president of the University of Massachusetts or his designee; the president of the Massachusetts Senate or his designee; the minority leader of the Massachusetts Senate or his designee; the speaker of the Massachusetts House of Representatives or his designee; the minority leader of the Massachusetts House of Representatives or his designee; 3 members to be appointed by the governor, 1 of whom shall be a physician licensed to practice medicine in the commonwealth and affiliated with an academic medical center, 1 of whom shall be a chief executive officer of a Massachusetts-based life sciences corporation which is a member of the board of directors of the Massachusetts Biotechnology Council and 1 of whom shall be a researcher involved in the commercialization of biotechnology, pharmaceuticals or medical diagnostic products. Each appointed member shall serve a term of 5 years. The secretary of housing and economic development shall serve as chair of the board. Any person appointed to fill a vacancy in the office of a member of the board shall be appointed in a like manner and shall serve for only the unexpired term of such member. Any member shall be eligible for reappointment. Any member may be removed from his appointment by the governor for cause.”

The amendment was rejected.

Ms. Jehlen and Mr. Hedlund moved that the bill be amended in section 4 subsection (b) (3) by inserting in line 241, at the end thereof the following: “Provided that such report shall be posted on the internet in a manner accessible to the public.”;

In Section 4 subsection (c) (2)(B) in line 300, at the end thereof the following: “and shall post these reasons on the internet in a manner that is accessible to the public.”;

In Section 4 subsection (g) in line 348, at the end thereof the following: “and shall post these reasons on the internet in a manner that is accessible to the public.”; and

In Section 19 in line 511, at the end thereof the following: “Provided that such report shall be posted on the internet in a manner

accessible to the public”.

The amendment was adopted.

Ms. Jehlen and Mr. Hedlund moved that the bill be amended in section 4 in subsection (b)(1) (i), in line 209, by adding at the end thereof the following: “provided that such rules, regulations and procedures shall be subject to a public hearing process”.

The amendment was adopted.

Ms. Jehlen and Mr. Hedlund moved that the bill be amended in Section 4 subsection (c) (2)(A), by inserting in line 285 at the end thereof the following: "In the event that a recipient corporation fails to create the required number of jobs or to pay the required wages or benefits a percentage of any credits, exemptions or other benefits shall be recaptured based on the pro rata amount by which the unfulfilled jobs, wages or benefits bear to the total amount of the development subsidy."

The amendment was rejected.

Messrs. Tarr, Tisei, Knapik, Hedlund and Brown moved that the bill be amended by inserting in line-item 7007-9038 of Section 2B, after the phrase “in a given year”, the following words:— “provided further, that the projects eligible for this appropriation shall include laboratory facilities and other laboratory equipment for stem-cell research not otherwise eligible for funding from the National Institutes of Health”.

The amendment was rejected.

Mr. Panagiotakos moved that the bill be amended by striking out section 2B and inserting in place thereof the following section:—

“SECTION 2B. To provide for a program of infrastructure development, improvements and various capital investments, the sums set forth in this section for the several purposes and subject to the conditions specified in this act, are hereby made available, subject to the laws regulating the disbursement of public funds and approval thereof.

EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT.

Office of the Secretary.

7007-9037

For grants related to site remediation, preparation and ancillary infrastructure improvement projects; provided, that the local government body and an entity involved in the project shall jointly submit a request for funding to the secretary of housing and economic development; provided further, that the request shall include sufficient documentation including, but not limited to, a project plan with specific goals and objectives that fully details the proposed project and either: (i) that the businesses associated with the project will generate substantial sales from outside the commonwealth and will result in the creation of a net increase of at least 100 new permanent full-time jobs in the commonwealth within 24 months after receipt of a grant and that those jobs will continue for at least 5 years; or (ii) that it produces an economic benefit that the secretary determines will be sufficiently exceptional; provided further, that no grants shall be awarded unless the project is certified under section 63 of chapter 23A of the General Laws; provided further, that the grants authorized from this appropriation shall not exceed \$12,500,000 in total in a given year; provided, however, that notwithstanding the foregoing limitation on the grants that may be authorized in a given year, not less than \$12,900,000 shall be used to assist in water and waste water infrastructure improvements for the proposed cell culture manufacturing facility and purification plant containing office and lab facilities in the town of Framingham; provided, however, that notwithstanding the foregoing limitation on the grants that may be authorized in a given year, not less than \$12,600,000 shall be used to assist for the construction of supporting infrastructure, comprised of local arterial and connector roads for the I-93 interchange in the towns of Andover, Wilmington, and Tewksbury; provided further, that the executive office of housing and economic development shall not transfer any funds authorized in this item to the Massachusetts Life Sciences Center established in chapter 23I of the General Laws unless specifically authorized by the general court 125,000,000

EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT.

Office of the Secretary.

7007-9038

For capital projects including the preparation of plans and specifications, acquisition, construction, renovation, reconstruction, alteration, improvement, demolition, expansion and repair of land and facilities and for the acquisition of furnishings and equipment, as determined by the secretary, in consultation with the Massachusetts Life Sciences Center, for the purpose of carrying out the public purposes of chapter 23I of the General Laws; provided further, that not less than \$6,500,000 shall be expended for the design, construction, and development for a life science incubator building at the William Stanley Business Park in the City of Pittsfield; provided further, that \$1,100,000 shall be expended for the costs associated with the purchase and conversion of three vehicles into mobile science laboratories in support of biotechnology education initiatives of the Massachusetts Academy for Life Sciences, as established in Section 2MMM (c) of Chapter 29 of the Massachusetts General Laws; provided that the mobile science laboratories be used to advance the goal of the Massachusetts Academy for Life Sciences; provided further, that funds for such purposes will be provided through a contract with the Massachusetts Biotechnology Education Foundation to provide grants, in consultation with the Massachusetts Board of Higher Education, to public and/or private institutions of higher learning in Massachusetts to purchase and convert vehicles into mobile science laboratories;

provided further, that each vehicle is fueled with an alternative fuel, as defined by the Energy Policy Act of 1992 (EPAct); provided further, that amounts expended include the cost of vehicles, equipment, furniture and other costs associated with the conversion of the vehicles into mobile science laboratories; provided further, that each of the three mobile science laboratories will be owned and managed by each participating institution of higher learning in Massachusetts and assigned to a specific region of Massachusetts, as designated by the Massachusetts Academy for Life Sciences in consultation with each institution of higher learning; provided further, that the designated regions do not overlap; provided further, that not less than \$10,000,000 from this appropriation shall be used to fund projects within the commonwealth that have been placed on a priority funding list by the National Institutes of Health but for which federal funding is not currently available; provided further, that \$9,500,000 shall be expended for construction and capital improvements at the Tufts' Cummings School of Veterinary Medicine New England Regional Biosafety Laboratory; provided further, that said facilities shall improve public health, protect public safety, improve science education, and stimulate economic development by providing the opportunity to translate laboratory discoveries into viable vaccines, therapies and cures for emerging infectious diseases and bioterrorist threats; provided further, that the grants authorized from this appropriation shall not exceed \$12,500,000 in total in a given year; and provided further, that the executive office of housing and economic development shall not transfer any funds authorized in this item to the Massachusetts Life Sciences Center established in chapter 23I of the General Laws unless specifically authorized by the general court \$125,000,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Division of Capital Asset Management and Maintenance.

7100-0250

For costs associated with planning and studies, dispositions, acquisition of land and buildings and interests therein by purchase or by eminent domain under chapter 79 of the General Laws, for the preparation of plans and specifications, repairs, construction, renovations, improvements, maintenance and repair, asset management and demolition at the University of Massachusetts campus facilities and grounds; provided, that all projects approved for design and construction by the division of capital asset management and maintenance shall be consistent in priority and need with a master plan approved by the president of the University of Massachusetts and by the board of trustees of the University of Massachusetts; provided further, that any maintenance and repair work funded by this item shall be included in the capital asset management information system administered by the division of capital asset management and maintenance; provided further, that \$95,000,000 shall be expended for the design, construction, development and related infrastructure improvements of the life sciences laboratory research center complex including a laboratory research facility with state-of-the-art equipment offering research and development facilities for collaboration with industry partners to develop methods and technologies that can be translated into new commercial services and products at the University of Massachusetts at Amherst; and provided further, that the match for this building will be the design, construction, development and related infrastructure improvements of a centralized core animal facility at Amherst; provided further that not less than \$6,000,000 shall be appropriated to the University of Massachusetts Building Authority for the purpose of executing a lease agreement with Baystate Medical Center for costs associated with capital expansion of the Pioneer Valley Life Sciences Institute in Springfield; provided further, that not less than \$10,000,000 shall be expended to the University of Massachusetts Boston for the purchase of state-of-the-art equipment, renovations and related expenses to support the Center for Personalized Cancer Therapy (CPCT), a collaboration of UMass Boston and the Dana Farber Harvard Cancer Center; provided further, that said center shall be located in New Bedford, Taunton or Falmouth, as the secretary and the University shall determine; provided further that \$10,000,000 shall be expended for a marine biology laboratory in the village of Woods Hole, the regional technology development corporation and the University of Massachusetts at Dartmouth for a collaborative effort between the three institutions to create and support the center for regenerative biology and medicine to develop commercial marine technology, provide research and development for life sciences, including, but not limited to marine-based stem cell research, and expand life science and marine technology education in the commonwealth; provided further that not less than \$10,000,000 shall be expended for a regional incubation center for life science initiatives to be located in the city of New Bedford and operated in conjunction with the University of Massachusetts Dartmouth and Bristol Community College; provided further, that \$10,000,000 shall be expended for the design, construction, development and related infrastructure improvements for a life sciences center which shall be managed by a board of directors to consist of 13 members as follows: the Chancellor of the University of Massachusetts at Dartmouth, the president of Bridgewater State College, the president of the Massachusetts Maritime Academy, the presidents of Massasoit Community College, Cape Cod Community College and Bristol Community College, the president of Wheaton College, or their respective designees; the commissioner of mental retardation, or his designee; president of the Massachusetts Federation of Teachers, or his designee; president of the Massachusetts Teachers Association, or his designee and the president of the Massachusetts AFL-CIO or his designee; the president of the Taunton Area Chamber of Commerce and the director of Southeastern Regional Planning and Economic District or their designees; provided further that the life sciences center shall include but not be limited to an education and training facility, and a laboratory research facility with state-of-the-art equipment offering research and development facilities for collaboration with industry partners; provided further that this center shall be located at the former Paul A. Dever State School in Taunton; provided further, that not less than \$90,000,000 shall be expended for the design, construction, development and related infrastructure improvements for an advanced therapeutics cluster to be constructed at the University of Massachusetts Medical School in Worcester, which shall be named the Albert 'Albie' Sherman center, and shall include an RNAi Institute, stem cell biology cluster, cord blood bank and gene therapy cluster; provided further, that those funds shall not be used for faculty salaries; provided further, that funds

appropriated herein may be transferred to the University of Massachusetts Building Authority for these infrastructure improvements and for design and construction; provided further, that no funds shall be transferred from this item for a phase of construction until the secretary of administration and finance certifies in writing to the house and senate committees on ways and means that all sources of funding for that phase of the facility have been committed and are available as necessary for commencement of design and construction; provided further, that the written confirmation shall include copies of all business plans, letters of financial commitment and other documentation as the secretary shall deem necessary to certify that all other sources of funding have been secured; provided further, that the University of Massachusetts Building Authority shall submit to the clerks of the senate and house of representatives a report which shall include the following: (1) a detailed list of all private donors and amounts donated for each facility; (2) a plan for design, construction, operation and maintenance and all associated costs and revenues of the facility, including the projected timeline for the completion of all phases of the project; and (3) a description of the proposed title to the assets associated with each facility; provided further, that the secretary shall not expend any funds until such report is filed with the house and senate committees on ways and means; provided further, that the University of Massachusetts Building Authority shall require the assurance of labor harmony during all phases of development, including construction, reconstruction and capital and routine maintenance, and shall provide adequate remedies to address the failure to maintain labor harmony which shall include, but not be limited to, assessment of liquidated damages and contract termination; and provided further, that the payment of prevailing wages shall be in accordance with sections 26 to 27F inclusive, of chapter 149 of the General Laws for all phases of these projects 250,000,000.;"

By striking section 2A and inserting in place thereof the following:—

“EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.
Small Business Capital Access Program.

1599-7107

For a capital access reserve to provide loan guarantees to small businesses pursuant to section 57 of chapter 23A of the General Laws 5,000,000

University of Massachusetts.

7100-0205

For the nano and biomanufacturing facility at the University of Massachusetts Lowell for a public/private program of matching funds; provided, that said matching funds must provide at least a 100 percent match 5,000,000”;

In section 4, in subsection (a) of section 63 of the proposed chapter 23A of the General Laws, by striking out clause (ii) of the definition of “Project proposal” and inserting in place thereof the following words:— “(ii) the proposal shall include specific targets by year of the number of newly hired or retained full-time employees, the projected salaries for those employees and the projected taxes generated under chapter 62 by those employees for each year for which the project may receive benefits under chapters 62, 63 or 64H;”

In section 4, in subsection (a) of section 63 of the proposed chapter 23A of the General Laws, by striking out clause (iv) of the definition of “Project proposal” and inserting in place thereof the following words:— “(iv) if a project is a new facility within the meaning of clause (iii) of the definition of life sciences project, the proposal shall include the number of permanent full-time employees employed by the life sciences sector business at other facilities located in the commonwealth.”;

In section 4, in subsection (d) of section 63 of the proposed chapter 23A of the General Laws, by striking out the first sentence and inserting in place thereof the following sentence:— “A certified life sciences project may be eligible for the tax benefits made available to life sciences projects under chapters 62, 63 and 64H only to the extent specified in a certification from the secretary of housing and economic development and the secretary of administration and finance.”;

In section 4, by striking out subsection (e) and inserting in place thereof the following:—

“(e) Not more than a cumulative amount of \$25,000,000 of tax incentives under the LSSIP, including incentives carried forward, refunded or transferred, and including the current year cost of incentives allowed in previous years, may be authorized in any year. The value of any tax incentive award under the LSSIP that may extend beyond December 31, 2018, including carryforwards of losses or credits, must be taken into account during the year awarded and the full amount of such tax benefits potentially realized in periods after December 31, 2018 must be counted against the annual ceilings for years ending prior to January 1, 2019. Tax incentives authorized by the LSSIP shall count toward this \$25,000,000 annual ceiling only if they are not otherwise available to a taxpayer.”;

In section 4, by striking out, in subsection (f), the following:— “and 7007-9038”;

By striking out section 8 and inserting in place thereof the following:—

“SECTION 8. Section 3 of said chapter 23I, as so inserted, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:—

(b) The center shall be governed and its corporate powers exercised by a board of directors consisting of: the secretary of administration and finance or his designee; the secretary of housing and economic development or his designee; the president of the University of Massachusetts or his designee; 4 members to be appointed by the governor, 1 of whom shall be a physician licensed to practice medicine in the commonwealth and affiliated with an academic medical center, 1 of whom shall be a chief executive officer of a Massachusetts-based life sciences corporation which is a member of the board of directors of the

Massachusetts Biotechnology Council, 1 of whom shall be a researcher involved in the commercialization of biotechnology, pharmaceuticals or medical diagnostic products, and 1 of whom shall have significant financial experience in the life sciences sector. Each appointed member shall serve a term of 5 years. The secretary of housing and economic development shall serve as chair of the board. Any person appointed to fill a vacancy in the office of a member of the board shall be appointed in a like manner and shall serve for only the unexpired term of such member. Any member shall be eligible for reappointment. Any member may be removed from his appointment by the governor for cause.”;

In section 27 by striking out the words “manufactured in the commonwealth and”;

After section 31, by inserting the following new section:—

“SECTION 31A. Said section 38M of said chapter 63 is hereby amended by striking out subsection (j), inserted by section 31 of this act.”;

By inserting after section 42 the following new section:—

SECTION 42A. Notwithstanding any general or special law to the contrary, the University of Massachusetts at Dartmouth may acquire from the Massachusetts Development Finance Agency the land and improvements thereon located at 151 Martine Street, Fall River together with accessory parking lot owned by said Massachusetts Development Finance Agency located on the north side of Martine Street, hereinafter collectively referred to as the Advanced Technology Manufacturing Center, for an amount not to exceed \$11,400,000 and pursuant to such other terms as the parties may mutually agree; provided, however, that said conveyance shall be approved by the Board of Trustees of the University of Massachusetts and the Board of Directors of Massachusetts Development Finance Agency. Said conveyance shall be subject to restrictive covenant prohibiting the University of Massachusetts at Dartmouth from occupying more than 60% of the total square footage of the Advanced Technology Manufacturing Center at any time. The University of Massachusetts at Dartmouth may retain any rent, license fees, appropriations, grants, fees, or such other monies earned in connection with owning and operating the Advanced Technology Manufacturing Center and may apply such revenues solely to offset the costs associated with owning, operating, improving, leasing, licensing, managing, and maintaining the land and improvements that constitute the Advanced Technology Manufacturing Center.”;

By striking out section 43 and inserting in place thereof the following:—

“SECTION 43. Sections 22, 24, 27, 29, 31, 32 and 34 shall take effect for taxable years beginning on or after January 1, 2009 and before January 1, 2019.”; and

By striking out section 44 and inserting in place thereof the following:—

“SECTION 44. Sections 23, 25, 28, 30, 31A, 33, 35 and 37 shall take effect on December 31, 2018.”

After remarks, the amendment was adopted.

The Ways and Means amendment (Senate, No. 2556) was then adopted, as amended.

The bill 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 twenty-two minutes before seven o'clock P.M., on motion of Mr. Tisei, as follows, to wit (*yeas 32 — nays 4*) [**Yeas and Nays No. 188**];

YEAS.	
Antonioni, Robert A.	Marzilli, Jim
Augustus, Edward M., Jr.	McGee, Thomas M.
Baddour, Steven A.	Menard, Joan M.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Brown, Scott P.	O’Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Candaras, Gale D.	Panagiotakos, Steven C.
Chandler, Harriette L.	Petrucelli, Anthony
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Creem, Cynthia Stone	Spilka, Karen E.
Downing, Benjamin B.	Tarr, Bruce E.
Fargo, Susan C.	Timilty, James E.

Galluccio, Anthony D.	Tolman, Steven A.
Hart, John A., Jr.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian — 32.
NAYS.	
Hedlund, Robert L.	Montigny, Mark C.
Knapik, Michael R.	Tisei, Richard R. — 4.
PAIRED.	
YEA. NAY.	
Wilkerson, Dianne	Patricia D. (present) — 2.
ABSENT OR NOT VOTING.	
Resor, Pamela — 1	

The yeas and nays having been completed at eighteen minutes before seven o'clock P.M., the bill was passed to be engrossed, in concurrence with the amendments. [For text of Senate amendments, see Senate, No. 2566, printed as amended.]

Sent to the House for concurrence in the amendment.

PAPER FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Donna L. Monfredo, an employee of the Department of Correction (see House, No. 4571), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted inconcurrence, by a vote of 6 to 0. The bill was signed by the Acting President (Mr. Tolman) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair) and sent to the House for enactment.**

Reports of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill penalizing domestic abusers (Senate, No. 62),—**ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Tarr, 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 establishing criminal penalties for assault and battery on a family or household member”.

Sent to the House for concurrence.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Resolutions providing for a declaration of intent of the House of Representatives and the Senate relative to the amount and distribution of local aid to the Commonwealth's cities, towns and regional school districts for fiscal year 2009 (House, No. 4595),— **ought to be adopted.**

There being no objection, the rules were suspended, on motion of Mr. Baddour, and the resolutions were read.

Pending the question on adoption of the resolutions, Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved that the resolutions be amended by inserting at the end thereof the following:

BE IT FURTHER RESOLVED, THAT, NOTWITHSTANDING ANY GENERAL OR SPECIAL LAW TO THE CONTRARY, IT IS THE INTENT OF THE HOUSE OF REPRESENTATIVES AND THE SENATE THAT WITHIN 30 DAYS OF THE PASSAGE OF THIS RESOLUTION, THE COMPTROLLER SHALL BE DIRECTED TO TRANSFER \$150,000,000 FROM THE COMMONWEALTH STABILIZATION FUND, ESTABLISHED UNDER SECTION 2H OF CHAPTER 29 OF THE GENERAL LAWS, TO THE GENERAL FUND, AND THAT SAID AMOUNT SHALL BE DISTRIBUTED TO THE CITIES AND TOWNS OF THE COMMONWEALTH, WITHOUT FURTHER APPROPRIATION, AS A ONE-TIME, NON-RECURRING LOCAL AID PAYMENT, AS LISTED BELOW:

Municipality	Supplemental Aid
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	From Stabilization
ABINGTON	\$392,764.80
ACTON	\$274,525.55
ACUSHNET	\$298,897.00
ADAMS	\$397,428.94
AGAWAM	\$735,547.11
ALFORD	\$2,694.14
AMESBURY	\$388,422.31
AMHERST	\$1,574,784.88
ANDOVER	\$356,763.00
AQUINNAH	\$466.35
ARLINGTON	\$794,157.47
ASHBURNHAM	\$139,681.23
ASHBY	\$76,159.51
ASHFIELD	\$37,066.85
ASHLAND	\$223,222.12
ATHOL	\$455,917.39
ATTLEBORO	\$1,139,035.22
AUBURN	\$341,934.63
AVON	\$74,111.88
AYER	\$144,053.72
BARNSTABLE	\$419,972.38
BARRE	\$162,360.22
BECKET	\$16,755.38
BEDFORD	\$151,505.68
BELCHERTOWN	\$339,718.23
BELLINGHAM	\$338,787.61
BELMONT	\$318,067.87
BERKLEY	\$121,482.05
BERLIN	\$40,253.81
BERNARDSTON	\$56,628.50
BEVERLY	\$772,536.15
BILLERICA	\$785,746.82
BLACKSTONE	\$236,921.92
BLANDFORD	\$25,188.81
BOLTON	\$39,420.09
BOSTON	\$11,483,888.45
BOURNE	\$236,126.23

BOXBOROUGH	\$50,364.14
BOXFORD	\$91,217.78
BOYLSTON	\$68,389.75
BRAINTREE	\$600,595.63
BREWSTER	\$78,834.09
BRIDGEWATER	\$639,346.76
BRIMFIELD	\$77,843.31
BROCKTON	\$3,489,020.56
BROOKFIELD	\$98,580.87
BROOKLINE	\$706,502.37
BUCKLAND	\$55,238.28
BURLINGTON	\$300,465.94
CAMBRIDGE	\$1,408,712.47
CANTON	\$287,307.25
CARLISLE	\$41,436.29
CARVER	\$291,672.19
CHARLEMONT	\$34,900.17
CHARLTON	\$259,124.14
CHATHAM	\$30,048.18
CHELMSFORD	\$606,655.13
CHELSEA	\$1,094,860.68
CHESHIRE	\$112,370.02
CHESTER	\$35,945.97
CHESTERFIELD	\$27,566.12
CHICOPEE	\$2,107,326.36
CHILMARK	\$748.69
CLARKSBURG	\$70,528.19
CLINTON	\$441,846.69
COHASSET	\$76,075.93
COLRAIN	\$50,936.37
CONCORD	\$170,030.20
CONWAY	\$35,682.72
CUMMINGTON	\$16,655.91
DALTON	\$201,278.19
DANVERS	\$389,151.28
DARTMOUTH	\$503,310.82
DEDHAM	\$404,209.86
DEERFIELD	\$95,896.67

DENNIS	\$108,735.64
DEVENS	\$0.00
DIGHTON	\$138,768.74
DOUGLAS	\$145,704.95
DOVER	\$38,407.18
DRACUT	\$699,548.36
DUDLEY	\$308,187.26
DUNSTABLE	\$41,571.36
DUXBURY	\$176,979.41
EAST BRIDGEWATER	\$298,858.98
EAST BROOKFIELD	\$53,884.63
EAST LONGMEADOW	\$289,002.92
EASTHAM	\$29,745.95
EASTHAMPTON	\$543,732.91
EASTON	\$437,228.27
EDGARTOWN	\$8,726.53
EGREMONT	\$12,597.53
ERVING	\$11,309.98
ESSEX	\$43,456.97
EVERETT	\$724,151.46
FAIRHAVEN	\$387,432.67
FALL RIVER	\$4,390,449.33
FALMOUTH	\$276,803.39
FITCHBURG	\$1,669,409.72
FLORIDA	\$9,938.04
FOXBOROUGH	\$297,394.00
FRAMINGHAM	\$1,232,822.33
FRANKLIN	\$493,347.91
FREETOWN	\$189,589.77
GARDNER	\$826,694.30
GEORGETOWN	\$134,526.68
GILL	\$42,462.03
GLOUCESTER	\$488,913.50
GOSHEN	\$15,972.67
GOSNOLD	\$104.11
GRAFTON	\$312,181.79
GRANBY	\$176,290.23
GRANVILLE	\$32,010.96

GREAT BARRINGTON	\$151,525.26
GREENFIELD	\$633,878.58
GROTON	\$153,668.51
GROVELAND	\$127,133.11
HADLEY	\$68,422.80
HALIFAX	\$181,242.33
HAMILTON	\$121,500.66
HAMPDEN	\$125,071.19
HANCOCK	\$8,443.22
HANOVER	\$210,166.26
HANSON	\$233,956.67
HARDWICK	\$80,408.16
HARVARD	\$286,843.94
HARWICH	\$86,002.59
HATFIELD	\$62,298.81
HAVERHILL	\$1,560,759.42
HAWLEY	\$6,567.39
HEATH	\$15,646.53
HINGHAM	\$261,497.92
HINSDALE	\$42,291.02
HOLBROOK	\$293,835.02
HOLDEN	\$342,091.52
HOLLAND	\$40,298.89
HOLLISTON	\$243,047.84
HOLYOKE	\$1,930,427.65
HOPEDALE	\$130,193.01
HOPKINTON	\$137,546.16
HUBBARDSTON	\$80,051.70
HUDSON	\$398,141.38
HULL	\$200,373.89
HUNTINGTON	\$65,916.19
IPSWICH	\$196,100.70
KINGSTON	\$191,641.10
LAKEVILLE	\$163,365.11
LANCASTER	\$165,283.77
LANESBOROUGH	\$68,872.62
LAWRENCE	\$3,889,658.44
LEE	\$124,343.51

LEICESTER	\$346,668.71
LENOX	\$94,848.47
LEOMINSTER	\$1,140,824.42
LEVERETT	\$35,638.44
LEXINGTON	\$305,992.19
LEYDEN	\$16,287.74
LINCOLN	\$89,079.18
LITTLETON	\$115,466.99
LONGMEADOW	\$278,948.41
LOWELL	\$4,011,818.91
LUDLOW	\$609,933.53
LUNENBURG	\$211,139.07
LYNN	\$2,949,860.66
LYNNFIELD	\$149,531.52
MALDEN	\$1,608,687.86
MANCHESTER	\$44,401.71
MANSFIELD	\$329,047.05
MARBLEHEAD	\$221,040.05
MARION	\$45,051.10
MARLBOROUGH	\$649,183.09
MARSHFIELD	\$400,001.48
MASHPEE	\$73,458.31
MATTAPOISETT	\$80,922.15
MAYNARD	\$219,523.25
MEDFIELD	\$169,970.85
MEDFORD	\$1,333,734.15
MEDWAY	\$213,588.57
MELROSE	\$590,134.77
MENDON	\$81,592.56
MERRIMAC	\$145,379.29
METHUEN	\$1,059,429.99
MIDDLEBOROUGH	\$492,258.64
MIDDLEFIELD	\$10,614.22
MIDDLETON	\$88,939.93
MILFORD	\$609,840.48
MILLBURY	\$353,555.99
MILLIS	\$157,552.35
MILLVILLE	\$71,267.74

MILTON	\$441,790.54
MONROE	\$1,437.07
MONSON	\$260,631.63
MONTAGUE	\$252,423.11
MONTEREY	\$6,856.80
MONTGOMERY	\$16,382.23
MOUNT WASHINGTON	\$645.38
NAHANT	\$55,323.94
NANTUCKET	\$15,819.47
NATICK	\$449,212.67
NEEDHAM	\$315,500.62
NEW ASHFORD	\$2,882.32
NEW BEDFORD	\$4,478,071.55
NEW BRAINTREE	\$23,801.63
NEW MARLBOROUGH	\$11,693.07
NEW SALEM	\$20,474.78
NEWBURY	\$90,700.89
NEWBURYPORT	\$287,825.25
NEWTON	\$952,435.90
NORFOLK	\$191,471.37
NORTH ADAMS	\$855,978.87
NORTH ANDOVER	\$389,839.01
NORTH ATTLEBOROUGH	\$574,422.78
NORTH BROOKFIELD	\$159,094.65
NORTH READING	\$202,831.89
NORTHAMPTON	\$784,850.54
NORTHBOROUGH	\$212,906.93
NORTHBRIDGE	\$420,960.74
NORTHFIELD	\$63,203.60
NORTON	\$414,974.72
NORWELL	\$127,233.21
NORWOOD	\$501,035.38
OAK BLUFFS	\$14,520.52
OAKHAM	\$38,306.27
ORANGE	\$322,331.27
ORLEANS	\$34,295.86
OTIS	\$7,262.19
OXFORD	\$410,553.78

PALMER	\$400,415.53
PAXTON	\$93,285.95
PEABODY	\$937,486.56
PELHAM	\$31,781.71
PEMBROKE	\$335,626.00
PEPPERELL	\$255,324.68
PERU	\$22,233.82
PETERSHAM	\$22,889.63
PHILLIPSTON	\$34,887.82
PITTSFIELD	\$1,582,644.32
PLAINFIELD	\$10,016.81
PLAINVILLE	\$151,473.28
PLYMOUTH	\$782,354.84
PLYMPTON	\$47,367.77
PRINCETON	\$59,115.54
PROVINCETOWN	\$24,058.79
QUINCY	\$1,956,858.93
RANDOLPH	\$744,898.80
RAYNHAM	\$227,038.91
READING	\$401,047.76
REHOBOTH	\$187,394.55
REVERE	\$1,198,097.34
RICHMOND	\$21,601.11
ROCHESTER	\$84,800.38
ROCKLAND	\$464,560.17
ROCKPORT	\$87,365.86
ROWE	\$786.55
ROWLEY	\$89,498.04
ROYALSTON	\$32,147.64
RUSSELL	\$48,671.84
RUTLAND	\$163,411.96
SALEM	\$848,130.01
SALISBURY	\$126,155.17
SANDISFIELD	\$6,918.88
SANDWICH	\$210,858.33
SAUGUS	\$446,296.66
SAVOY	\$20,920.12
SCITUATE	\$261,280.22

SEEKONK	\$245,693.69
SHARON	\$269,472.38
SHEFFIELD	\$46,726.71
SHELBURNE	\$51,760.79
SHERBORN	\$39,887.24
SHIRLEY	\$232,190.41
SHREWSBURY	\$508,242.38
SHUTESBURY	\$33,858.87
SOMERSET	\$306,233.95
SOMERVILLE	\$2,230,120.51
SOUTH HADLEY	\$518,216.68
SOUTHAMPTON	\$127,221.50
SOUTHBOROUGH	\$87,328.00
SOUTHBRIDGE	\$702,421.05
SOUTHWICK	\$227,453.60
SPENCER	\$390,244.88
SPRINGFIELD	\$7,265,071.79
STERLING	\$137,329.91
STOCKBRIDGE	\$19,902.39
STONEHAM	\$416,552.32
STOUGHTON	\$622,826.40
STOW	\$82,933.05
STURBRIDGE	\$154,687.99
SUDBURY	\$176,571.13
SUNDERLAND	\$100,917.11
SUTTON	\$155,859.40
SWAMPSCOTT	\$201,920.84
SWANSEA	\$375,004.22
TAUNTON	\$1,679,321.61
TEMPLETON	\$241,893.91
TEWKSBURY	\$555,708.16
TISBURY	\$19,578.34
TOLLAND	\$1,785.03
TOPSFIELD	\$81,833.35
TOWNSEND	\$233,331.34
TRURO	\$6,006.72
TYNGSBOROUGH	\$192,954.97
TYRINGHAM	\$2,534.84

UPTON	\$97,782.12
UXBRIDGE	\$274,728.32
WAKEFIELD	\$441,937.01
WALES	\$47,159.70
WALPOLE	\$367,082.69
WALTHAM	\$1,041,593.84
WARE	\$342,258.36
WAREHAM	\$395,036.39
WARREN	\$156,849.85
WARWICK	\$18,067.47
WASHINGTON	\$13,318.63
WATERTOWN	\$564,907.14
WAYLAND	\$135,502.69
WEBSTER	\$484,406.58
WELLESLEY	\$243,114.25
WELLFLEET	\$11,670.29
WENDELL	\$29,314.09
WENHAM	\$63,098.20
WEST BOYLSTON	\$148,212.68
WEST BRIDGEWATER	\$122,990.18
WEST BROOKFIELD	\$94,818.95
WEST NEWBURY	\$46,170.17
WEST SPRINGFIELD	\$715,581.67
WEST STOCKBRIDGE	\$19,413.26
WEST TISBURY	\$7,231.87
WESTBOROUGH	\$208,101.78
WESTFIELD	\$1,256,928.93
WESTFORD	\$280,657.39
WESTHAMPTON	\$28,932.28
WESTMINSTER	\$128,681.19
WESTON	\$74,685.39
WESTPORT	\$242,913.24
WESTWOOD	\$139,847.27
WEYMOUTH	\$1,352,096.48
WHATELY	\$26,795.13
WHITMAN	\$418,068.96
WILBRAHAM	\$268,015.90
WILLIAMSBURG	\$60,448.49

WILLIAMSTOWN	\$190,626.59
WILMINGTON	\$295,235.99
WINCHENDON	\$331,832.80
WINCHESTER	\$240,165.20
WINDSOR	\$15,252.21
WINTHROP	\$474,747.35
WOBURN	\$619,900.61
WORCESTER	\$6,402,879.26
WORTHINGTON	\$25,079.72
WRENTHAM	\$186,149.50
YARMOUTH	\$252,090.40
Total Municipal Aid	\$150,000,000.00

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at one minute before seven o'clock P.M., on motion of Mr. Tisei, as follows, to wit (*yeas 6 — nays 31*) [**Yeas and Nays No. 189**]:

YEAS.	
Brown, Scott P.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.
Knapik, Michael R.	Tucker, Susan C. — 6.
NAYS.	
Antonioni, Robert A.	Marzilli, Jim
Augustus, Edward M., Jr.	McGee, Thomas M.
Baddour, Steven A.	Menard, Joan M.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Buoniconti, Stephen J.	O'Leary, Robert A.
Candaras, Gale D.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Petrucelli, Anthony
Creem, Cynthia Stone	Rosenberg, Stanley C.
Downing, Benjamin B.	Spilka, Karen E.
Fargo, Susan C.	Timilty, James E.
Galluccio, Anthony D.	Tolman, Steven A.
Hart, John A., Jr.	Tucker, Susan C.
Jehlen, Patricia D.	Walsh, Marian — 31.

Joyce, Brian A.	
ABSENT OR NOT VOTING.	
Resor, Pamela .	Wilkerson, Dianne — 2.

The yeas and nays having been completed at five minutes past seven o'clock P.M., the amendment was rejected.

The question on adoption of the resolutions was determined by a call of the yeas and nays at five minutes past seven o'clock P.M., on motion of Mr. Panagiotakos, as follows, to wit (yeas 37 — nays 0) [Yeas and Nays No, 190]:

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

The yeas and nays having been completed at eight minutes past seven o'clock P.M., the resolutions were adopted, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: "Resolutions providing for a declaration of intent of the Senate and House of Representatives relative to the amount and distribution of local aid to the

Commonwealth's cities, towns and regional school districts for fiscal year 2009; provided further that timely notice to cities and towns and regional school districts relative to the amounts of school and municipal aid and lottery distributions is essential for an orderly and rational budget process at the local level."

Matter Taken Out of the Notice Section of the Calendar.

There being no objection, the following matter was taken out of the Notice Section of the Calendar and considered as follows: The Senate Bill relative to the certification of the inspector of buildings and building commissioner in the city of Brockton (Senate, No. 2458),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.**

PAPERS FROM THE HOUSE.

A Bill relative to the membership of the board of public works in the town of Whitman (House, No. 4044,— on petition)[Local approval received],— **was read.**

There being no objection, the rules were suspended, on motion of Ms. Menard, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

A Bill authorizing the city of Salem to issue an additional liquor license for the sale of alcoholic beverages to Gulu Gulu Corp. (House, No. 4457,— on petition) [Local approval received],— **was read.**

There being no objection, the rules were suspended, on motion of Mr. Moore, 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 city of Salem to grant an additional license for the sale of wines and malt beverages to be drunk on the premises".

Engrossed Bills.

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

Relative to the operation of the sewer system of the town of Ipswich (see Senate, No. 2446);

Authorizing the city of Salem to issue additional licenses for the sale of alcoholic beverages (see House, No. 4275); and

Authorizing the town of North Andover to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 4517).

Petitions were referred, in concurrence, as follows:

Joint petition (accompanied by bill, House, No. 4921) of Denis E. Guyer and Stanley C. Rosenberg relative to the decreased enrollment of schools receiving state grants and the closing and disposition of such schools;

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

Joint petition (accompanied by bill, House, No. 4922) of Donald F. Humason, Jr. and Michael R. Knapik relative to criminal proceedings against certain juveniles involved in vehicular homicides.

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

Order Adopted.

On motion of Mr. Tisei,—

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

On motion of Ms. Walsh, at twelve minutes past seven o'clock P.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.