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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, March 27, 2008.

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

Distinguished Guest.

There being no objection, the Chair (Ms. Murray) handed the gavel to Mr. O'Leary for the purpose of an introduction. Mr. O'Leary then introduced a group of students from Massachusetts Maritime Academy. The Senate welcomed them with applause and they withdrew from the Chamber.

Petition.

Ms. Wilkerson presented a petition (subject to Joint Rule 12) of Dianne Wilkerson, Steven C. Panagiotakos, Stanley C. Rosenberg, Susan C. Fargo and other members of the General Court for legislation relative to the annual observance of Massachusetts Nonprofit Awareness Day,— **and the same was referred under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

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 eight minutes before two o'clock P.M., the Senate reassembled, the President in the Chair.

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

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:— Resolutions (filed by Mr. O'Leary) "congratulating Zachary 'Harry' S. Kamelakis on the occasion of his one hundredth birthday"; and Resolutions (filed by Mr. Tisei) "commending Sally M. Hoyt of Reading for her 50 years of service to the Massachusetts Business and Professional Women's Organization."

Communication.

The Clerk read the following communication:

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

March 26, 2008.

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

Dear Mr. Clerk,

I was absent from the Senate Chamber on Thursday, March 20, 2008. I would like it to be noted that had I been here for the session I would have voted in the following manner:

Roll Call # 186 — I would have voted in the negative.
Roll Call # 187 — I would have voted in the negative.
Roll Call # 188 — I would have voted in the affirmative.
Roll Call # 189 — I would have voted in the negative.
Roll Call # 190 — I would have voted in the affirmative.

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

Sincerely,
PAMELA RESOR,
Senator.

On motion of Mr. Antonioni, the above communication was ordered printed in the Journal of the Senate.

Orders of the Day.

The Orders of the Day were considered, as follows:

The Senate Bill authorizing the town of Milton to borrow money to fund certain payments (Senate, No. 2487),— **was read a second time and ordered to a third reading.**

There being no objection, the rules were suspended, on motion of Mr. Brewer, and the bill was read a third time and passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill designating a portion of the Bremen Street Park in East Boston as the Representative George DiLorenzo Playground (Senate, No. 2393) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The Senate Bill relative to the recorking of wine (Senate, No. 198),— **was read a third time and, after remarks, was passed to be engrossed.**

Sent to the House for concurrence.

The Senate Bill establishing a charter school working group (Senate, No. 282),— **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Antonioni moved that the bill be amended by striking out, in line 13, the word “Administration” and inserting in place thereof the following word:— “education”.

After debate, the amendment was adopted.

The bill (Senate, No. 282, amended) was then passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill relative to the Joint Labor–Management Committee (Senate, No. 1095) (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 relative to the prohibition of fishing gear containing lead (Senate, No. 2575),— **was read a third time.**

Pending the question on passing the bill to be engrossed, Messrs. Brewer and Timilty moved that the bill be amended by inserting after the word “sinkers”, in line 10, the following words:— “in inland waterways”; and by inserting after the word “sinkers”, in line 12, the following words:— “for use in inland waterways”.

After debate, and pending the question on adoption of the amendment, and pending the main question on passing the bill to be engrossed, at the request of Mr. Tisei and Mr. Tarr, the bill was laid over until the next session, under the provisions of Senate Rule 31.

The House Bill requiring continuing education of construction supervisors (House, No. 4344),— **was read a third time and, after remarks, was passed to be engrossed, in concurrence.**

The House Bill establishing a sick leave bank for Brian Leonard, an employee of the Department of Revenue (House, No. 4532),— **was read a third time.**

Pending the question on passing the bill to be engrossed, Ms. Jehlen moved that the bill be amended by inserting after the enacting clause, the following emergency preamble:—

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

This amendment was adopted.

The bill was then passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

The House Bill financing the production and preservation of housing for low and moderate income residents (House, No. 4594, amended),— **was read a third time.**

Mr. Rosenberg in the Chair, pending the question on passing the bill to be engrossed, Mr. Hedlund moved that the bill be amended by inserting before section 3 the following section:—

“SECTION XX. Chapter 40B of the General Laws is hereby amended by striking out section 21, as appearing in the 2006 Official Edition, and inserting in place thereof the following section:—

SECTION 21. (a) Any public agency or limited dividend or nonprofit organization proposing to build low or moderate income housing may submit to the board of appeals, established under section 12 of chapter 40A, a single application to build such housing in lieu of separate applications to the applicable local boards. The board of appeals shall forthwith notify each local board, as applicable, of the filing of such application by sending a copy thereof to the local boards for their recommendations and shall, within 30 days after the receipt of the application, hold a public hearing on the same. The board of appeals shall request the appearance at the hearing of representatives of the local boards as are deemed necessary or helpful in making its decision upon the application and shall have the same power to issue permits or approvals as any local board or official who would otherwise act with respect to such application including, but not limited to, the power to attach to the permit or approval conditions and requirements with respect to height, site plan, size or shape or building materials, consistent with this section. The board of appeals, in making its decision on an application, shall consider the recommendations of the local boards and shall use the testimony of consultants. The board of appeals shall adopt rules, not inconsistent with this chapter, for the conduct of its business pursuant to this chapter and shall file a copy of those rules with the city or town clerk. Section 11 of chapter 40A shall apply to all such hearings. The board of appeals shall render a decision, based upon a majority vote of the board, within 40 days after the termination of the public hearing and, if favorable to the applicant, shall forthwith issue a comprehensive permit or approval. If the hearing is not convened or a decision is not rendered within the time allowed, unless the time has been extended by mutual agreement between the board and the applicant, the application shall be deemed to have been allowed and the comprehensive permit or approval shall forthwith issue. Any person aggrieved by the issuance of a comprehensive permit or approval may appeal to the court as provided in section 17 of said chapter 40A.

(b) The board of appeals shall not be required to approve any application where the proposed percentage of affordable units is not at least 33 per cent of the total number of proposed rental units, and at least 50 per cent of the total number of proposed owner-occupied units.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at four minutes before four o'clock P.M., on motion of Mr. Hedlund, as follows, to wit (*yeas 7 — nays 32*) [**Yeas and Nays No. 191**]:

YEAS.	
Brown, Scott P.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E.
Knapik, Michael R.	Tisei, Richard R. — 7.
Moore, Richard T.	
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.	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	Resor, Pamela
Downing, Benjamin B.	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Galluccio, Anthony D.	Tolman, Steven A.
Hart, John A., Jr.	Tucker, Susan C.
Jehlen, Patricia D.	Walsh, Marian
Joyce, Brian A.	Wilkerson, Dianne — 32.

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

Mr. Hedlund moved that the bill be amended by inserting before section 3 the following section:—

“SECTION XX. Section 20 of chapter 40B of the General Laws is hereby amended by striking the definition for the term ‘Uneconomic’ and inserting in place thereof the following:—

‘Uneconomic’, any condition brought about by any single factor or combination of factors to the extent that it makes it impossible for a public agency or nonprofit organization to proceed in building or operating low or moderate income housing without financial loss, or for a limited dividend organization to proceed and still realize a return not greater than 10 per cent in building or operating such housing within the limitations set by the subsidizing agency of government on the size or character of the development or on the amount or nature of the subsidy or on the tenants, rentals and income permissible and without substantially changing the rent levels and unit sizes proposed by the public agency, or nonprofit or limited dividend organizations.”

The amendment was rejected.

Mr. Joyce, Ms. Tucker, Mr. Montigny and Ms. Creem moved that the bill be amended by inserting before section 3 the following 2 sections:—

“SECTION XX. Subsection (b) of section 61 of chapter 62 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out paragraph (1) and inserting in place thereof the following paragraph:—

(1) There shall be a Massachusetts low-income housing tax credit. The department may authorize annually under this section, together with section 31H of chapter 63, the total sum of: (i) \$10,000,000; (ii) unused Massachusetts low-income housing tax credits, if any, for the preceding calendar years; and (iii) any Massachusetts low-income housing tax credits returned to the department by a qualified Massachusetts project.

SECTION XX. Subsection (b) of section 31H of chapter 63 of the General Laws, as so appearing, is hereby amended by striking out paragraph (1) and inserting in place thereof the following paragraph:—

(1) There shall be a Massachusetts low-income housing tax credit. The department may authorize annually under this section, together with section 61 of chapter 62, the total sum of: (i) \$10,000,000; (ii) unused Massachusetts low-income housing tax credits, if any, for the preceding calendar years; and (iii) any Massachusetts low-income housing tax credits returned to the department by a qualified Massachusetts project.”

After remarks, the amendment was adopted.

Ms. Tucker, Messrs. Joyce and Montigny, Ms. Creem and Mr. O’Leary moved that the bill be amended by inserting before section 3 the following 2 sections:—

“SECTION XX. Subsection (b) of section 61 of chapter 62 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out paragraph (1) and inserting in place thereof the following paragraph:—

(1) There shall be a Massachusetts low-income housing tax credit. The department may authorize annually under this section, together with section 31H of chapter 63, the total sum of: (i) \$10,000,000; (ii) unused Massachusetts low-income housing tax credits, if any, for the preceding calendar years; and (iii) any Massachusetts low-income housing tax credits returned to the department by a qualified Massachusetts project.

SECTION XX. Subsection (b) of section 31H of chapter 63 of the General Laws, as so appearing, is hereby amended by striking out paragraph (1) and inserting in place thereof the following paragraph:—

(1) There shall be a Massachusetts low-income housing tax credit. The department may authorize annually under this section, together with section 61 of chapter 62, the total sum of: (i) \$10,000,000; (ii) unused Massachusetts low-income housing tax credits, if any, for the preceding calendar years; and (iii) any Massachusetts low-income housing tax credits returned to the department by a qualified Massachusetts project.”

The amendment was rejected.

Mr. O’Leary moved that the bill be amended, in section 5, in section 3 of proposed chapter 121F, in subsection (d) by inserting after the words “assistance is first provided” the following words:— “, or for such longer period, based upon the useful life of the housing as determined by the department”.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at fourteen minutes past four o’clock P.M., on motion of Mr. Hedlund, as follows, to wit (*yeas 33 — nays 6*) [**Yeas and Nays No. 192**]:

YEAS.	
Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
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	Resor, Pamela
Downing, Benjamin B.	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Galluccio, Anthony D.	Tolman, Steven A.
Hart, John A., Jr.	Tucker, Susan C.
Jehlen, Patricia D.	Walsh, Marian
Joyce, Brian A.	Wilkerson, Dianne — 33.
Marzilli, Jim	
NAYS.	
Brown, Scott P.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E.
Knapik, Michael R.	Tisei, Richard R. — 6.

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

Messrs. Tarr, Tisei, Knapik, Hedlund and Brown moved that the bill be amended, in section 5, in section 2 of proposed chapter 121F, in subsection (a) by inserting after the word “reinvestment”, the second time it appears, the following words:— “; provided, however, that funds may be expended for energy audits and housing modifications to achieve energy efficiency and conservation.”

The amendment was adopted.

Ms. Chandler moved that the bill be amended, in section 5C, by striking out the words “a description of the location and scope of work” and inserting in place thereof the following words:— “the address, the nature of the work”.

The amendment was adopted.

Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved that the bill be amended by inserting after section 4 the following section:—

“SECTION 22. Section 6 of chapter 64H of the General Laws, as amended by section 12 of chapter 63 of the acts of 2007, is

hereby further amended by adding the following paragraph:—

(xx) Sales of any product with a durable life of at least 5 years and which improves the energy efficiency of a primary residence including, but not limited to, energy efficient doors and windows and home heating and air-conditioning systems.”

After debate, the amendment was rejected.

Messrs. Galluccio and Buoniconti moved that the bill be amended by inserting after section 6 the following section:—

“SECTION 6A. A private entity engaged in a construction, development, renovation, remodeling, reconstruction, rehabilitation or redevelopment project consisting of at least 75 housing units or at least \$25,000,000 in total construction, development, renovation, remodeling, reconstruction, rehabilitation or redevelopment costs for projects receiving funds pursuant to this act shall pay to individuals employed on the project the current prevailing wage in accordance with sections 26 to 27F, inclusive, of chapter 149 of the General Laws, proof of which shall be furnished to the department of housing and community development in the form of an affidavit signed by the owner of the private entity contracted to perform the work or by the agent of the owner. The affidavit shall be a public record and available for inspection by an interested party by the filing of a written request to the department of housing and community development for inspection and copying.

A private entity engaged in a construction, development, renovation, remodeling, reconstruction, rehabilitation or redevelopment project receiving funds pursuant to this act shall properly employ individuals employed on the project as employees rather than independent contractors and shall comply with all laws relative to workers’ compensation insurance coverage, unemployment insurance, social security taxes and income taxes with respect to those employees.”

After remarks, the amendment was adopted.

Mr. Hedlund moved that the bill be amended, in section 2, in item 7004-0031, by inserting after over the fourth proviso the following 2 provisos:— “provided further, that not less than \$3,000,000 shall be expended for projects which preserve, produce and provide housing for veterans who have served in the armed forces of the United States in active service in a combat zone as part of Operation Enduring Freedom or Operation Iraqi Freedom and who were discharged or released under honorable conditions; provided however, that the domicile of an applicant shall have been in the commonwealth for a period of not less than 6 months before the time of entry into active service;”.

The question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-six minutes past four o’clock P.M., on motion of Mr. Hedlund, as follows, to wit (*yeas 39 — nays 0*) [**Yeas and Nays No. 193**]:

YEAS.	
Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
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.	Resor, Pamela
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
Knapik, Michael R.	Wilkerson, Dianne — 39.
Marzilli, Jim	
NAYS — 0.	

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

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-nine minutes before five o'clock P.M., on motion of Ms. Tucker, as follows, to wit (*yeas 39 — nays 0*) [**Yeas and Nays No. 194**]:

YEAS.	
Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
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.	Resor, Pamela
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
Knapik, Michael R.	Wilkerson, Dianne — 39.
Marzilli, Jim	
NAYS — 0.	

The yeas and nays having been completed at twenty-six minutes before five o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendments. [For text of Senate amendments, see Senate, No. 2591, printed as amended.]

Sent to the House for concurrence in the amendments.

The engrossed Bill further regulating employee compensation (see Senate, No. 1059),— was considered; the main question being on passing it to be re-enacted.

The pending motion, previously moved by Mr. Knapik, to lay the matter on the table, was considered; and, after remarks, the

motion was negatived.

On motion of Mr. Knapik, Senate Rule 49 was suspended.

Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved to amend the engrossed bill by inserting in line 4, after the words “aggrieved by a” the word:— “willful”; by inserting in line 14, after the words “aggrieved by a” the word:— “willful”; by inserting in line 24, after the words “aggrieved by a” the word:— “willful”; by inserting in line 34, after the words “aggrieved by a” the word:— “willful”; and by inserting in line 45, after the words “aggrieved by a” the word:— “willful”.

Pending the question on adoption of the amendment, and pending the main question on passing the engrossed bill to be re-enacted, Mr. Knapik moved that the matter 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.

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

Report of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill relative to the economic development of the Commonwealth (House, No. 4383) ought to pass, with an amendment by inserting before section 1 the following 2 sections:—
“SECTION ____ . Section 44E of chapter 149 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the word ‘employee’, in line 74, the following words:— ; that he will not unlawfully misclassify workers and that he will comply with the laws regulating employment of workers including, but not limited to, the laws governing medical benefits, workers’ compensation, unemployment insurance and payment of payroll taxes and that he will not knowingly employ any contractor or subcontractor who is not in compliance with these laws.

SECTION ____ . Section 44F of said chapter 149, as so appearing, is hereby amended by inserting after the word ‘employee’, in line 139, the following words:— ; that he will not unlawfully misclassify workers and that he will comply with the laws regulating employment of workers including, but not limited to, the laws governing medical benefits, workers’ compensation, unemployment insurance and payment of payroll taxes and that he will not knowingly employ any contractor or subcontractor who is not in compliance with these laws.”;

By striking out section 5 and inserting in place thereof the following section:—

“SECTION 5. Said section 7 of said chapter 293 is hereby amended by striking out subsection (d) and inserting in place thereof the following 2 subsections:—

(d) The aggregate principal amount of bonds issued pursuant to section 6 of this act shall not exceed \$250,000,000.

(e) No economic development proposal which secured municipal approval before September 7, 2006 shall be certified by the secretary. The secretary shall not approve more than 2 economic development proposals from any 1 municipality. Not more than an aggregate of \$200,000,000 shall be expended for projects in municipalities that are not economically distressed. Economically distressed municipalities shall include any municipality in which the unemployment rate is at least 1.5 per cent higher than the statewide average in the year of the application for certification by the secretary or in which the median income of the municipality is 80 per cent or less of the state median income in the year of the application for certification by the secretary. The secretary shall give priority to projects in economically distressed municipalities. The secretary shall give highest priority to projects in economically distressed municipalities in which both the unemployment rate and median income criteria are met.”;

By striking out, in section 10, the word “January” and inserting in place thereof the following word:— “September.”;

By striking out section 11 and inserting in place thereof the following section:—

“SECTION 11. Said section 11 of said chapter 293 is hereby further amended by striking out subsection (c) and inserting in place thereof the following subsection:—

(c) Chapter 30B of the General Laws shall apply to the procurement by any municipality, developer or other governmental entity of public infrastructure improvements financed in accordance with this act. Sections 38½ to 380, inclusive, of chapter 7, section 39M of chapter 30, sections 44A to 44M, inclusive, of chapter 149 of the General Laws and any other general or special law, regulation, ordinance or by-law 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. Sections 26 to 27F, inclusive, and section 29 of chapter 149 of the General Laws shall apply to the construction by a developer of any public infrastructure improvements project financed in accordance with this act and, in conjunction with such construction, the developer 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 shall comply with any responsible employer ordinance, so-called, adopted by the municipality.”;

By striking out the title and inserting in place thereof the following title:— “An Act relative to the further economic development of the Commonwealth”.

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

Pending the question on ordering the bill, as amended, to a third reading, Mr. O’Leary moved that the bill be amended, in section 10, by adding at the end thereof the following:— “provided further, that regional wireless communications projects located in unserved or underserved areas, that provide reliable, redundant and secure backhaul communications for public and commercial access networks, support open access, and promote competition, and will provide priority access during natural or man-made disasters to regional and primary emergency evacuation emergency centers shall be eligible to receive financial assistance for public infrastructure improvements pursuant to this act.”.

The amendment was *rejected*.

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

“SECTION XX. Said chapter 293 is hereby further amended by inserting after section 11 the following two sections:—

SECTION 11A. Notwithstanding anything in the foregoing provisions of this act to the contrary, the estimates made under subsection (a)(iv) and subsection (c)(i) of section 7 of this act of new state tax revenue attributable to an economic development project within the convention center finance district as defined in section 2 of chapter 152 of the acts of 1997 or within the Springfield civic and convention center finance district as defined in subsection (b½) of section 10 of said chapter 152 may include an amount of new revenue from the excises imposed by section 2 of chapter 64H of the General Laws if the Massachusetts convention center authority has entered into an agreement with the developer and the secretary dedicating such excises deposited in the convention center fund in such amount to support the economic development project in accordance with subsection (c)(vi) of section 10 of said chapter 152. In such event, the commissioner shall determine and certify to the secretary the amount of such excises attributable to the economic development project that have been deposited in the convention center fund in each fiscal year pursuant to subsection (b) or subsection (b½) of section 10 of said chapter 152 and, subject to the provisions of subsection (c) of section 10 of said chapter 152, the amount of such receipts provided for pursuant to the agreement among the convention center authority, the developer and the secretary shall be transferred to the general fund, but in no event shall the amount so transferred exceed the new state tax revenue attributable to the related economic development project as calculated by the commissioner for purposes of section 10 of this act. Nothing in this section shall be construed to allow the secretary to approve more than 2 economic development proposals from any one municipality, pursuant to section 7(d) of this act.

SECTION 11B. Subsection (c) of section 10 of chapter 152 of the acts of 1997, as most recently amended by section 51 of chapter 122 of the acts of 2006, is hereby further amended by inserting after clause (v) the following clause:—

and (vi) to reimburse the commonwealth for state infrastructure development assistance provided by the commonwealth in accordance with section 8 and section 11A of chapter 293 of the acts of 2006, as amended, with respect to certified economic development projects within the convention center finance district or the Springfield civic and convention center finance district.”

The amendment was adopted.

Mr. Hart moved that the bill be amended, in section 10, by inserting at the end after the words “improvements pursuant to this act” the following words:— “; and provided further, if the developer of any such certified economic development project has agreed to the levy and collection of infrastructure assessments within the economic development district to reimburse a municipality, in the event a revenue shortfall determined in accordance with section 10 of this act occurs, the infrastructure development assistance agreement for such certified economic development project may provide that the obligation of the municipality to provide local infrastructure development assistance to the commonwealth with respect to any such revenue shortfall may be assumed by the developer and payable solely from such infrastructure assessments. In no event shall said assumption relieve the municipality of its general obligation or preclude the recoverability of the commonwealth of amounts otherwise distributable to the municipality in accordance with section 20 of Chapter 59 of the General Laws”.

The amendment was adopted.

Mr. Hart moved that the bill be amended, in section 11, by inserting at the end thereof after “improvements pursuant to this act” the following words:—

“SECTION XX. Subsection (b) of section 11 of said chapter 293 is hereby amended by inserting at the end thereof the following:— provided, further however, that the foregoing ineligibility for participation in such economic assistance programs shall not apply to any tenant of a certified economic development project which is not an affiliate of the developer. Without limiting the generality of the foregoing, any such tenant shall be eligible for all such economic assistance programs without regard to the receipt by the developer of such certified economic development project of infrastructure development assistance in reliance, in whole or in part, upon the new revenue from eligible new jobs of such tenant, provided that the whole of the economic benefit of any such economic assistance program inures solely to such tenant.”

The amendment was adopted.

After remarks, the bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendments. [For text of Senate amendments, see Senate, No. 2590, printed as amended.] Sent to the House for concurrence in the amendments.

Report of a Committee.

By Mr. Augustus, for the committee on Bills in the Third Reading, to whom was referred the amendment recommended by the Governor to the engrossed Bill providing for recall elections in the town of Wrentham (see Senate, No. 2290) [for message, see Senate, No. 2553],— reported, that the amendment recommended by the Governor be considered in the following form: In section 2, by striking out the words “45 days but not more than 60 days” and inserting in place thereof the following words:— “64 days nor more than 90 days”.

The report was accepted.

The Chair (Mr. Rosenberg) stated that under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

On motion on Mr. Tisei, the Senate then rejected the Governor’s amendment.

Mr. Brown presented an amendment to the engrossed bill by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2586.

The amendment was adopted.

Sent to the House for its action.

Orders of the Day.

The Orders of the Day were further considered, as follows:

The Senate Bill further regulating teacher certification (Senate, No. 271, changed),— was considered; the question being on passing it to be engrossed.

The pending motion, previously moved by Mr. Tisei, that the bill be laid on the table, was considered; and it was negatived.

Pending the question on passing the bill to be engrossed, Mr. Antonioni moved that the bill be amended by striking out the last sentence and inserting in place thereof the following sentence:— “A performance appeal, if determined by the commissioner to meet or exceed the performance level equivalent of the qualifying score, shall be the equivalent of a passing score on relevant tests for certification pursuant to this section.”

After debate, and pending the question on adoption of the amendment, and pending the main question on passing the bill to be engrossed, the request of Mr. Tisei and Mr. Tarr, the matter was laid over until the next session, under the provisions of Senate Rule 31.

The Senate Bill establishing a campus rape and sexual assault prevention advisory council (Senate, No. 737, amended),— **was considered; and it was passed to be engrossed.**

Sent to the House for concurrence.

The Senate Bill for the establishment and administration of rent regulations and the control of evictions in mobile home park accommodations in the town of Norwell (Senate, No. 2320),— was read a second time and ordered to a third reading.

There being no objection, the rules were suspended, on motion of Mr. Hedlund and the bill was read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act providing for the establishment and administration of rent regulations and the control of evictions in mobile home parks in the town of Norwell”.

Sent to the House for concurrence.

Matters Taken Out of the Notice Section of the Calendar.

There being no objection, the following matters were taken out of the Notice Section of the Calendar and considered as follows: The House Bill providing for a charter for the town of Groton (House, No. 4490),— was read a second time, ordered to a third reading and read a third time.

Pending the question on passing the bill to be engrossed, Mr. Panagiotakos moved that the bill be amended by adding the following section:—

“SECTION 4. This act shall take effect upon its passage.”

The amendment was adopted.

The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

The House Resolve providing for an investigation and study by a special commission relative to the hidden wounds of war on Massachusetts service members (House, No. 4526),— **was read a third time and passed to be engrossed, in concurrence.**

PAPERS FROM THE HOUSE.

A Bill relative to the board of public works in the town of Whitman (House, No. 4045,— on petition) [Local approval Received],— was read.

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

House Order.

The following House Order (approved by the committees on Rules of the two branches, acting concurrently) was considered forthwith and adopted in concurrence, as follows:

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Municipalities and Regional Government shall be granted until Friday, March 28, 2008, within which to report on Senate, No. 1155.

Orders Adopted.

Mr. Morrissey offered the following order, to wit:

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Consumer Protection and Professional Licensure be granted until Friday, May, 23, 2008 in which to make its final report on Senate documents numbered 174, 205, 217, 220, 2410 and 2256 and House documents numbered 203, 240, 296, 328, 331, 341, 3926, 3983, 4092, 4215 and 4427, relative to consumer protection related issues in the Commonwealth.

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

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

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

Ms. Creem offered the following order, to wit:

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Revenue be granted until Friday, April 4, 2008 to make its final report on certain current House documents numbered 3756, 4499, 4444 and 2980 and current Senate documents numbered 1713, 1717, 1718 and 1800.

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

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

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

PAPERS FROM THE HOUSE.

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. Rosenberg) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair) and laid before the Governor for his approbation, to wit:

Authorizing the establishment of the Whittin Reservoir Watershed District in the town of Douglas (see Senate, No. 2344);

Relative to the membership of the board of public works in the town of Whitman (see House, No. 4044);

Further regulating the resale of mattresses (see House, No. 4299); and

Authorizing the city of Salem to grant an additional liquor license for the sale of wines and malt beverages to be drunk on the premises (see House, No. 4457).

A petition (accompanied by bill, House, No. 4615) of Walter F. Timilty for legislation to establish a sick leave bank for Deborah McNamara, an employee of the Department of Conservation and Recreation,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

Resolutions.

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

Resolutions (filed by Mr. Augustus, Ms. Tucker, Mr. Brewer, Ms. Wilkerson, Ms. Chandler, Messrs. Tisei, Tarr, Hedlund, Brown and Knapik) “expressing support for the Human Rights Torch Relay.”

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.

Moment of Silence.

At the request of the Chair (Mr. Rosenberg), the members, guests and employees stood in a moment of silence and reflection to the memory of James Michael Kuhlow.

Adjournment in Memory of James Michael Kuhlow.

The Senator from Worcester, Hampden, Hampshire and Franklin, Mr. Brewer, requested that when the Senate adjourns today, it adjourn in memory of James Michael Kuhlow.

James Michael Kuhlow, father of Jay Kuhlow, Legislative Director for Senator Brewer, passed away on Monday, March 24, 2008, at the age of 57. James was born in Janesville, Wisconsin, and was the youngest of his three siblings, Tom, Mary and Bill. After marrying Maria DiMaggio in 1971, the couple moved to Clearwater, Florida and raised their four children, Sara, Jay, Zachary and Anna. During these last few years, he took great joy in watching his granddaughter, Leilana, blossom into a little girl. He will be remembered as a loving father, grandfather, and brother who cherished spending time with his family and friends above all else.

Accordingly, as a mark of respect to the memory of James Michael Kuhlow, at a quarter past five o'clock P.M., on motion of Mr. Tisei, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.
