

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

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Monday, July 28, 2008.

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

The Senator from Essex and Middlesex, Mr. Tarr, led the Chair (Mr. Rosenberg), members, guests and employees in the recitation of the pledge of allegiance to the flag.

Petition.

Mr. Tisei presented a petition (accompanied by bill, Senate, No. 2844) of Richard R. Tisei, Christopher G. Fallon and Paul J. Donato (with the approval of the Mayor and City Council) for legislation to authorize the establishment of the Geriatric Authority of Malden and providing for the financing thereof [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Municipalities and Regional Government. Sent to the House for concurrence.**

Reports of Committees.

By Ms. Jehlen, for the committee on Elder Affairs, on petition (accompanied by bill, Senate, No. 765), an Order relative to authorizing the joint committee on Elder Affairs to make an investigation and study of a certain current Senate document relative to senior lifestyle communities (Senate, No. 2843);
Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Ms. Jehlen, for the committee on Elder Affairs, on the recommitted petition, a Bill to ensure that nursing home residents are not subject to undue hardship (Senate, No. 393);
Referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mr. Morrissey, for the committee on Consumer Protection and Professional Licensure, on the recommitted petition (accompanied by bill, Senate, No. 2667), a Bill amending Chapter 381 of the Acts of 2006, An Act authorizing the town of Wenham to grant certain licenses for the sale of alcoholic beverages to be drunk on the premises (Senate, No. 2824) (Local approval received on Senate, No. 2667];
Read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

PAPERS FROM THE HOUSE.

Bills

Authorizing the Springfield water and sewer commission to convey a certain parcel of land in the town of Blandford (House, No. 4062,— on petition);

Establishing a sick leave bank for Gary Tuck, an employee of the Department of Revenue (House, No. 4754,— on petition);

Authorizing the Commissioner of Capital Asset Management and Maintenance to grant easements in the city of Somerville

(House, No. 4781,— on House, No. 4671);
Establishing a sick leave bank for Timothy M. Larkin, an employee of the executive office of administration and finance (House, No. 4955,— on petition);
Providing for the preservation and improvement of land, parks, and clean energy in the Commonwealth (House, No. 5005,— on House, No. 4446);
Authorizing the Department of Conservation and Recreation to enter in to a certain lease (House, No. 5008,— on House, No. 3837);
Authorizing the Commissioner of Capital Asset Management and Maintenance to lease certain property in the town of Great Barrington (House, No. 5010,— on House, No. 54);
Authorizing the Rose Fitzgerald Kennedy Greenway Conservancy, Inc. to operate, manage and maintain the Rose Kennedy Greenway (House, No. 5013,— on House, No. 4541);
Relative to the leasing of certain land in the city of Waltham (House, No. 5015,— on petition) [Local approval received]; and
Providing for capital facility repairs and improvements for the Commonwealth (House, No. 5016,— on House, No. 4455);
Were severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

Bills

Providing access to information for parents' evaluators (House, No. 391,— on petition);
Regulating liquefied natural gas tanker import terminals (House, No. 2383,— on petition);
Relative to the registration of podiatrists (House, No. 4785,— on House, No. 2269);
Relative to nurse anesthetists (House, No. 5017,— on House, No. 1144); and
Providing for the merger of the Turners Falls Fire District and the Lake Pleasant Water Supply District (House, No. 5020,— on House, No. 4417);
Were severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

Bills

Authorizing the town of Carver to appoint new members to the conservation commission (House, No. 1938,— on petition) [Local approval received]; and
Removing the deputy chief of police of the town of Acton from the civil service laws (House, No. 4870,— on petition) [Local approval received];
Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Communication.

The Clerk read the following communication:

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

July 24, 2008.

Mr. William F. Welch
Clerk of the Massachusetts Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

Per a recently approved Senate Order, I was out of the state at the Annual Meeting of the National Conference of State Legislatures and was subsequently unable to attend the formal session on July 22, 2008. Consequently, I was not recorded on several roll call votes.

Had I been present, I would have voted in the following fashion.

S 425 Relative to Dementia Special Care Units in Long-Term Care Facilities: Yes
S 2819 Relative to Oral Health: Yes
S 2640 Relative to Consumer Protection in Life Insurance Contracts: Yes
H 4405 Providing for a Certain Sales Tax Holiday:
Amendment (Permanent Holiday): No
Amendment (Heating Assistance): Yes
Engrossment of H 4405: Yes

I would appreciate your assistance with the printing of this communication in the Senate journal. Thank you for your assistance with this request.

Sincerely,
RICHARD T. MOORE,
State Senator,
Worcester and Norfolk District.

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

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 5019) of Michael F. Rush (with the approval of the mayor and city council) for legislation to impose certain penalties for the illegal possession and use of firearms in the city of Boston,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Judiciary.**

Emergency Preamble Adopted.

An engrossed Bill further protecting Buzzards Bay (see Senate, No. 2374, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 2 to 0.

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

Matter Taken Out of the Orders of the Day.

There being no objection, the following matter was taken out of the Orders of the Day and considered as follows:
The Senate Bill to the Office of the Chief of the Marblehead Fire Department (Senate, No. 2758),— **was read a third time. Mr. Augustus, for the committee on Bills in the Third Reading, reported, recommending that the bill be amended by substituting a new draft entitled “An Act relative to the appointment of the chief of the fire department in the town of Marblehead” (Senate, No. 2842). The amendment was adopted. The bill (Senate, No. 2842) was then passed to be engrossed. Sent to the House for concurrence.**

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) and laid before the Governor for his approbation, to wit:
Relative to vehicle license cost recovery fees (see Senate, No. 2416, amended); and
Establishing a sick leave bank for Judith Sargent, an employee of the Department of Public Health (see House, No. 4742, amended).

Resolutions.

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:—
Resolutions (filed by Ms. Spilka, Messrs. Brown and Buoniconti, Ms. Candaras, Ms. Creem, Ms. Fargo, Mr. Galluccio, Ms. Jehlen, Messrs. Morrissey, Rosenberg, Tolman, Knapik and Downing) “honoring the Reverend Joseph W. Bradley for 38 years of distinguished service to the Commonwealth’s hospitals.”

PAPER FROM THE HOUSE.

A Bill relative to savings bank life insurance (House, No. 949,— on petition),— **was read. 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, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act relative to savings bank life insurance company”.**

Reports of a Committee.

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

The Senate Bill relative to the effective enforcement of municipal ordinances and by-laws (Senate, No. 1158).

There being no objection, the rules were suspended, on motion of Mr. Downing, and the bill 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.

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

The Senate Bill prohibiting the use of chain link basketball nets (Senate, No. 1419).

There being no objection, the rules were suspended, on motion of Mr. Downing, 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 prohibiting the use of chain link basketball nets in public parks, playgrounds and recreation centers”.

Sent to the House for concurrence.

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

The Senate Bill designating a certain portion of land at the intersection of routes 122 and 32 in Barre as “Trifilo Square” (Senate, No. 2039).

There being no objection, the rules were suspended, on motion of Ms. Jehlen, 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 designating a certain portion of land in the town of Barre as Trifilo Square”.

Sent to the House for concurrence.

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

The Senate Bill designating Massachusetts community colleges collectively as Governor Foster Furcolo Community Colleges (Senate, No. 2581).

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 designating the community colleges collectively as the Governor Foster Furcolo Community Colleges”.

Sent to the House for concurrence.

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

The Senate Bill designating a certain education center on Chickatawbut Hill in Milton as the Norman Smith Environmental Education Center at Chickatawbut Hill (Senate, No. 2720).

There being no objection, the rules were suspended, on motion of Mr. Downing, and the bill 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.

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

The House Bill relative to the Massachusetts Credit Union Share Insurance Corporation (House, No. 1090, changed).

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

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

The House Bill relative to antique cars (House, No. 2417).

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, in concurrence.

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

The House Bill designating Mitochondrial Disease Awareness Week (House, No. 3246).

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

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

The House Bill designating Route 116 as a scenic byway corridor (House, No. 3550).

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, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act designating state highway Route 116 in certain towns as a scenic byway corridor”.

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

The House Bill designating a certain street in the city of Boston as Reverend Paul A. Phinn Way (House, No. 3620).

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

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

The House Bill relative to disability placards (printed in House, No. 4220).

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, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act providing a penalty for making, stealing, altering, forging or counterfeiting special parking identification”.

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

The House Bill relative to the Grafton and South Grafton water districts (House, No. 4513).

There being no objection, the rules were suspended, on motion of Mr. Downing, 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 relative to the South Grafton and Grafton water districts”.

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

The House Bill relative to interior designers bidding on state contracts (House, No. 4731).

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

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

The House Bill relative to clarifying certain banking laws (House, No. 4901).

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

Ms. Jehlen asked unanimous consent to consider no action having been taken on the matter; but objection was made thereto by Mr. Tarr.

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

The House Bill designating a certain bridge in the town of Grafton as the Private Walter Ermak Bridge (House, No. 4919).

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

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

The House Bill relative to the long term care career ladder grant program (House, No. 4953).

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

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

The Senate Bill relative to school improvement plans (Senate, No. 276).

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

Pending the question on ordering the bill to a third reading, Mr. Antonioni moved that the bill be amended in section 2, by striking out the last sentence and inserting in place thereof the following sentence:—“Action to approve, disapprove, modify or amend the school improvement plans shall be completed not later than July 1 of the year in which the plan is to be implemented; otherwise the plan shall be considered approved.”

The amendment was adopted.

The bill (Senate, No. 276, amended) was then ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act further regulating

school improvement plans”.
Sent to the House for concurrence.

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

The House Bill relative to the management of banks (House, No. 1082).

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, in concurrence.

Matters Taken Out of the Orders of the Day.

There being no objection, the following matters were taken out of the Orders of the Day and considered as follows:

The House Bill relative to the powers of the town manager in the town of North Andover (House, No. 4138) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Tarr moved that the bill be amended by striking out section 1 and inserting in place thereof the following section:

“SECTION 1. Notwithstanding any general or special law to the contrary, the town manager of the town of North Andover shall be the appointing authority, as defined in section 1 of chapter 31 of the General Laws, relative to all police officers below the rank of chief in said town of North Andover, subject to the approval of the board of selectmen.”

This 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 amendments.

The House Bill providing for the disposition of certain property at Medfield State Hospital (House, No. 4214),— **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Timilty moved that the bill be amended in section 4, by striking out the words “consultation with” and inserting in place thereof the following words:— “receiving the consent of”.

This amendment was adopted.

The bill was then passed to be engrossed, in concurrence, with the above amendment, and with the amendment previously adopted by the Senate.

Sent to the House for concurrence in the amendments.

The House Bill authorizing the town of Sudbury to use certain insurance or recovery proceeds (House, No. 4835),— **was read a third time and passed to be engrossed, in concurrence.**

The Senate Bill conveying certain property in the city of Worcester to Community Healthlink, Inc. (Senate, No. 2838) (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 House Bill relative to certain property in the town of Chilmark (House, No. 4559),— **was read a third time and passed to be engrossed, in concurrence.**

Recess.

There being no objection, at two minutes before eleven o’clock A.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at nineteen minutes before three o’clock P.M., the Senate reassembled, the President in the Chair.

PAPERS FROM THE HOUSE.

Engrossed Bill — State Loan.

An engrossed Bill establishing and funding the Massachusetts Broadband Institute (see House, No. 4864, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage; and, this being a bill providing for the borrowing of money, in accordance with the provisions of Section 3 of Article LXII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at eighteen minutes before three o’clock P.M., as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 301**]:

YEAS.	
Antonioni, Robert A.	Hedlund, Robert L.
Augustus, Edward M., Jr.	Jehlen, Patricia D.

Baddour, Steven A.	Joyce, Brian A.
Berry, Frederick E.	Knapik, Michael R.
Brewer, Stephen M.	McGee, Thomas M.
Brown, Scott P.	Menard, Joan M.
Buoniconti, Stephen J.	Montigny, Mark C.
Candaras, Gale D.	Moore, Richard T.
Chandler, Harriette L.	Morrissey, Michael W.
Creedon, Robert S., Jr.	O’Leary, Robert A.
Creem, Cynthia Stone.	Pacheco, Marc R.
Downing, Benjamin B.	Panagiotakos, Steven C.
Fargo, Susan C.	Petrucelli, Anthony
Galluccio, Anthony D.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Spilka, Karen E.	Tolman, Steven A.
Tarr, Bruce E.	Tucker, Susan C.
Timilty, James E.	Walsh, Marian
Tisei, Richard R.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Marzilli, Jim — 1.	

The yeas and nays having been completed at thirteen minutes before three o’clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

Engrossed Bill — Land Taking for Conservation, Etc.

An engrossed Bill authorizing a change of use of certain land in the town of Leicester (see Senate, No. 2689) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twelve minutes before three o’clock P.M., as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 302**]:

YEAS.	
Antonioni, Robert A.	Hedlund, Robert L.
Augustus, Edward M., Jr.	Jehlen, Patricia D.
Baddour, Steven A.	Joyce, Brian A.
Berry, Frederick E.	Knapik, Michael R.
Brewer, Stephen M.	McGee, Thomas M.
Brown, Scott P.	Menard, Joan M.
Buoniconti, Stephen J.	Montigny, Mark C.

Candaras, Gale D.	Moore, Richard T.
Chandler, Harriette L.	Morrissey, Michael W.
Creedon, Robert S., Jr.	O’Leary, Robert A.
Creem, Cynthia Stone.	Pacheco, Marc R.
Downing, Benjamin B.	Panagiotakos, Steven C.
Fargo, Susan C.	Petrucelli, Anthony
Galluccio, Anthony D.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Spilka, Karen E.	Tolman, Steven A.
Tarr, Bruce E.	Tucker, Susan C.
Timilty, James E.	Walsh, Marian
Tisei, Richard R.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Marzilli, Jim — 1.	

The yeas and nays having been completed at ten minutes before three o’clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

Emergency Preambles Adopted.

An engrossed Bill establishing a sick leave bank for Lois Tobin, an employee of the Department of Mental Retardation (see Senate, No. 2678), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 5 to 0. The bill was signed by the President and sent to the House for enactment.**

An engrossed Bill establishing a sick leave bank for David S. Vitale, an employee of the Trial Court (see Senate, No. 2710, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 7 to 0. The bill was signed by the President and sent to the House for enactment.**

An engrossed Bill designating Mitochondrial Disease Awareness Week (see House, No. 3246), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble, was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 8 to 0.
The bill was signed by the President and sent to the House for enactment.

An engrossed Bill establishing a sick leave bank for Sharon Easter, an employee of the Department of Correction (see House, No. 4209, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 7 to 0. The bill was signed by the President and sent to the House for enactment.**

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 President and laid before the Governor for his approbation, to wit:

Further protecting Buzzards Bay (see Senate, No. 2374, amended); Relative to savings bank life insurance (see House, No. 949); Relative to the management of banks (see House, No. 1082); Relative to the Massachusetts Credit Union Share Insurance Corporation (see House, No. 1090, changed); Relative to issuing licenses to carry firearms to law enforcement officers (see House, No. 2285); Relative to antique cars (see House, No. 2417); Designating state highway Route 116 in certain towns as a scenic byway corridor (see House, No. 3550); Designating a certain street in the city of Boston as Reverend Paul A. Phinn Way (see House, No. 3620); Relative to certain roads on Nantucket Island (see House, No. 4056); Providing a penalty for making, stealing, altering, forging or counterfeiting special parking identification (see House Bill, printed in House, No. 4220); Relative to the terms of certain bonds of the city of Revere to be issued to finance the construction of the city of Revere new police headquarters and east fire station (see House, No. 4555); Relative to nursing home transfers and discharges (see House, No. 4721); Authorizing the town of Sudbury to use certain insurance or recovery proceeds (see House, No. 4835); Designating a certain bridge in the town of Grafton as the Private Walter Ermak Bridge (see House, No. 4919); and Providing employees at state colleges, universities and community colleges holding special state police officer powers with line of duty death benefits (see House, No. 4933).

Reports of a Committee.

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

The House Bill relative to the rental of pets (House, No. 5006).

There being no objection, the rules were suspended, on motion of Mr. Petruccelli, 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 prohibiting the rental of certain pets”.

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

The House Bill relative to the licensing of school bus drivers (House, No. 4396) (the committee on Ethics and Rules recommending that the bill be amended in section 1, by striking out the words “first aid as”, and inserting in place thereof the following words:— “first aid, which shall include training relative to the administration of an epinephrine auto injector, as”).

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

Pending the question on ordering the bill to a third reading, Messrs. Knapik, Tisei, Tarr, Hedlund and Brown moved to amend the bill by adding at the end thereof the following:—

“SECTION 2. Section 8A of chapter 90 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in lines 23 to 24, ‘has been convicted of the crime of rape, unnatural act, sodomy, or’ and inserting in place thereof the following words:— ‘is a sex offender, as defined in section 178C of chapter 6, or who had been convicted of’.

SECTION 3. Section 8A½ of said chapter 90, as so appearing, is hereby amended by striking out, in lines 20 to 21, ‘has been convicted of the crime of rape, unnatural act, sodomy, or’ and inserting in place thereof the following words:— ‘is a sex offender, as defined in section 178C of chapter 6, or who had been convicted of’.

SECTION 4. Chapter 265 of the General Laws is hereby amended by adding the following section:—

Section 45. A sex offender, as defined by section 178C of chapter 6, who engages in ice cream truck vending, as defined in section 25 of chapter 270, shall be punished by up to 2½ years in the house of correction or by a fine of \$1,000 or by both such fine and imprisonment. A police officer or officer authorized to serve criminal process may arrest without a warrant any person who he has probable cause to believe has violated this section.”

After remarks, the question on concurring in the amendment was determined by a call of the yeas and nays, at seventeen minutes past three o’clock P.M., on motion of Mr. Knapik, as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 303**]:

YEAS.	
Antonioni, Robert A.	Hedlund, Robert L.
Augustus, Edward M., Jr.	Jehlen, Patricia D.
Baddour, Steven A.	Joyce, Brian A.
Berry, Frederick E.	Knapik, Michael R.
Brewer, Stephen M.	McGee, Thomas M.
Brown, Scott P.	Menard, Joan M.

Buoniconti, Stephen J.	Montigny, Mark C.
Candaras, Gale D.	Moore, Richard T.
Chandler, Harriette L.	Morrissey, Michael W.
Creedon, Robert S., Jr.	O’Leary, Robert A.
Creem, Cynthia Stone.	Pacheco, Marc R.
Downing, Benjamin B.	Panagiotakos, Steven C.
Fargo, Susan C.	Petrucelli, Anthony
Galluccio, Anthony D.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Spilka, Karen E.	Tolman, Steven A.
Tarr, Bruce E.	Tucker, Susan C.
Timilty, James E.	Walsh, Marian
Tisei, Richard R.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Marzilli, Jim — 1.	

The yeas and nays having been completed at twenty minutes past three o’clock P.M., the amendment was adopted. The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendments.
Sent to the House for concurrence in the amendments.

Matters Taken Out of the Orders of the Day — Objection.

The President requested that the following matters be taken out of the Orders of the Day:
The Senate Bill relative to election day registration (Senate, No. 2807, amended),— **but objection was made thereto by Mr. Tisei.**

The House Bill relative to the agreement among the states to elect the President by national popular vote (House, No. 4952),— **but objection was made thereto by Mr. Tisei.**

Reports of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill relative to increasing consumer access to licensed marriage and family therapists (Senate, No. 120),— **ought to pass.**
There being no objection, the rules were suspended, on motion of Mr. Tolman, and the bill was read a second time and, after remarks, was 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 increasing consumer access to licensed marriage and family therapists”.
Sent to the House for concurrence.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill relative to certain easements held by the Commonwealth of Massachusetts and the Massachusetts Water Resources Authority in the town of Wellesley (Senate, No. 2219),— **ought to pass.**
There being no objection, the rules were suspended, on motion of Ms. Creem, and the bill 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.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill relative to American sign language and hard of hearing workforce solutions (Senate, No. 2582),— **ought to pass.**
There being no objection, the rules were suspended, on motion of Mr. Tolman, and the bill 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.**

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill authorizing the Division of Capital Asset Management and Maintenance to lease certain land in the town of Spencer to the Worcester County 4H Center (Senate, No. 30) ,— **ought to pass, with an amendment in section 1, in line 3, by striking out the words “environmental management” and inserting in place thereof the following words:— “conservation and recreation”; and in section 4, in lines 52 to 55, inclusive, by striking out the words “the lease hereby authorized may terminate upon notice to the committee, and the land and building together with any improvements thereon shall revert to the commonwealth under the care and control of the department” and inserting in place thereof the following words:— “said lease shall terminate upon written notice from the division”.**

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

**The bill (Senate, No. 30, amended) was then ordered to a third reading, read a third time and passed to be engrossed.
Sent to the House for concurrence.**

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill authorizing the chief of police to the Massachusetts Bay Transportation Authority Police Department to appoint police cadets under certain circumstances to the police department of said authority (Senate, No. 2207, changed) ,— ought to pass, with an amendment striking out, in section 1, the words “Massachusetts Criminal Justice Training Council” and inserting in place thereof the following words:— “Municipal Police Training Committee”; and by striking out, in section 4, the words “twenty D” and inserting in place thereof the following:— “20”.

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

The bill (Senate, No. 2207, changed and amended) was then ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act authorizing the chief of police to the Massachusetts Bay Transportation Authority Police Department to appoint police cadets under certain circumstances to the police department of the authority”.

Sent to the House for concurrence.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill relative to professional engineers and land surveyors (House, No. 4339),— ought to pass, with an amendment in section 4, in clause (vi), by striking out the words “defined in” and inserting in place thereof the following words:— “provided in sections 61 to 65E, inclusive, and”.

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

After further 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 amendment.

Sent to the House for concurrence in the amendment.

Orders Adopted.

Mr. Rosenberg in the Chair, on motion of Mr. Tolman,—

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at 10:00 A.M., in a full formal session with a calendar; when the Senate adjourns on Tuesday, it adjourn to meet again on Wednesday at 10:00 A.M., in a full formal session without a calendar; and when the Senate adjourns on Wednesday, it adjourn to meet again on Thursday at 10:00 A.M. in a full formal session without a calendar.

Mr. Brewer offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7, or any other rule to the contrary, the House Bill providing for the preservation and improvement of land, parks, and clean energy in the Commonwealth (House, No. 5005), with the new text proposed by the committee on Ways and Means (Senate, No. 2848), shall be placed in the Orders of the Day for consideration of its second reading on Tuesday, July 29, 2008.

All amendments to the bill shall be filed electronically in the office of the Clerk of the Senate by 10:00 A.M. on Tuesday, July 29, 2008. All such amendments shall be second-reading amendments, but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

Under the rules, referred to the committee on Ethics and Rules.

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

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

Special Recognition.

The President announced that during their Annual Meeting in New Orleans, the Senator from Worcester and Norfolk, Mr. Moore, was elected as the Vice President of the National Conference of State Legislatures, a bipartisan organization that serves the legislators and staff of the nation's 50 states, its commonwealths and territories. Sen. Moore will serve as Vice President for the upcoming year, then as President-Elect the following year, and finally, as President in the third year. The Massachusetts Senate extends a heartfelt congratulations to the Senator from the Worcester and Norfolk District for his impressive election.

Report of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill providing for the preservation and improvement of land, parks, and clean energy in the Commonwealth (House, No. 5005),— **ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2848. Placed in the Orders of the Day for the next session for a second reading with the amendment pending.**

On motion of Mr. Tisei, at twenty-six minutes past four o'clock P.M., the Senate adjourned to meet on the following day at ten o'clock A.M.