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## UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



### JOURNAL OF THE SENATE.

*Tuesday, July 31, 2007.*

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

#### *Communication.*

A communication was received from the Honorable Robert A. Havern under the provisions of Chapter 268A.

#### *Petition.*

Mr. Pacheco presented a petition (accompanied by bill, Senate, No. 2308) of Marc R. Pacheco and Susan W. Gifford for legislation to establish the North Carver Water District [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.**

#### *Report of a Committee.*

Ms. Menard, 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 regional school budget process (House, No. 586, changed).

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 one minute past two o'clock P.M., the Senate reassembled, the President in the Chair.

#### *Distinguished Guests.*

There being no objection, the President handed the gavel to Mr. Moore for the purpose of an introduction. Mr. Moore then introduced children from the Cops and Kids program in Southbridge. The program is designed to provide the youth of the community with after school and summer activities as well as familiarize the students with the police on a positive basis.

There being no objection, the President handed the gavel to Mr. Brown for the purpose of an introduction. Mr. Brown then introduced Dylan Rock who was accompanied by his mother Mary. Dylan, the "Shadow Senator for the Day" is from Needham.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Ms. Creem for the purpose of an introduction. Ms. Creem then introduced a group from Brookline who were currently fundraising in order to for a Brookline Teen Center. The group includes Carolyn O'Leary, the niece of Senator O'Leary and Paul Epstein, the brother of Red Sox General Manager Theo Epstein.

There being no objection, during the consideration of the Orders the Day, the President handed the gavel to Mr. Antonioni for the

purpose of an introduction. Mr. Antonioni then introduced Drack Bonhomme, a 4th year diplomacy student from Port Au Prince University in Haiti. He is a guest of a friend and colleague of Mr. Antonioni, Norman Boudreau of Fitchburg.

#### **PAPER FROM THE HOUSE.**

##### *Engrossed Bill Returned with Recommendation of Amendment.*

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to the use of certain school building administration funds by the city of Medford (see House, No. 4096) [for message, see House, No. 4180],— came from the House with an amendment in the form approved by the committee on Bills in the Third Reading as follows:—

By striking out section 2 and inserting in place thereof the follow-ing section:

“SECTION 2. The city of Medford shall restore any amount appropriated under this act to the reserved grant funds by fiscal year 2011 by making annual payments of equal increments in each fiscal year beginning in fiscal year 2009. The city shall notify the commissioner of revenue of the annual payments, and if payments are not equal to or in excess of the amount necessary to achieve full restoration on the annual payment schedule by fiscal year 2011, the state treasurer shall deduct from Medford’s total state school aid, as defined in section 2 of chapter 70 of the General Laws, sufficient funds to make the payments and deposit the funds in the reserved grant fund. If the city pays in excess of the required incremental payment, then the excess shall carry over and apply to the next fiscal year payment. The amount to be repaid shall not include amounts paid by the city of Medford for debt service on the repair project that would have been funded by the reserve in the fiscal years 2008, 2009 and 2010 if transfers had not been made under section 1.”.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

**The rules were suspended, on motion of Ms. Menard, and the Governor’s amendment was considered forthwith and adopted, in concurrence. (as corrected BTR)**

**Sent to the House for re-enactment.**

##### Orders of the Day.

The Orders of the Day were considered, as follows:

The Senate Bill exempting Timothy R. Grabarz and Thomas E. Cady from the maximum age requirement for appointment as a police officer in the town of Raynham (Senate, No. 1621),— **was read a second time and ordered to a third reading.**

The House Bill establishing a sick leave bank for Donna Towner, an employee of the Trial Court Department (House, No. 4114) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed, in concurrence.**

The Senate Bill authorizing the town of Ipswich to grant 1 additional license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2269),— **was considered; and it was passed to be engrossed.**

**Sent to the House for concurrence.**

The House Bill providing for a certain exemption from the sales tax (House, No. 2876),— **was read a second time.**

Pending the question on ordering the bill to a third reading, Mr. O’Leary moved that the bill be amended by striking the words “August 11, 2007 and August 12, 2007” wherever so appearing and replacing them with the following words:— “October 6, 2007 and October 7, 2007”.

The amendment was *rejected*.

Messrs. Tisei, Tarr, Knapik and Brown moved that the bill be amended by deleting Section 6 in its entirety and inserting in place thereof the following new section:—

“SECTION 6. Notwithstanding any general or special law to the contrary, eligible sales at retail of tangible personal property under Sections 1 and 2 are restricted to those transactions occurring on August 11, 2007 and August 12, 2007, but prior sales or layaway sales on any single item priced in excess of \$500, initiated no earlier than August 1, 2007, shall also be eligible, provided that the transfer of possession of or payment in full for the property occurs on either August 11, 2007 or August 12, 2007.”

After debate, the amendment was *rejected*.

Messrs. Tisei, Tarr, Knapik and Brown moved that the bill be amended by striking the text in its entirety and inserting in place thereof the following text:—

“SECTION 1. Chapter 64H of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after

section 6 the following new section:—

Section 6A. The commissioner of revenue is hereby authorized and directed to annually designate, by July 15 of each calendar year, a two-day weekend in August during which no excise shall be imposed upon non-business sales at retail in the commonwealth of tangible personal property, as defined in section 1 of this chapter, but for the purposes of this section, tangible personal property shall not include telecommunications, gas, steam, electricity, motor vehicles, boats, meals, or any single item whose price is in excess of \$2,500.

For the days designated by the commissioner pursuant to the provisions of this section, a vendor in the commonwealth shall not add to the sales price or collect from any non-business purchaser an excise upon sales at retail of tangible personal property, as defined in section 1 of this chapter. The commissioner of revenue shall not require any vendor to collect and pay excise upon sales at retail of tangible personal property purchased on said designated days. Any excise erroneously or improperly collected during the designated days shall be remitted to the department of revenue. This section shall not apply to the sale of telecommunications, tobacco products subject to the excise imposed by chapter 64C of the General Laws, gas, steam, electricity, motor vehicles, motorboats, meals, or any single item whose price is in excess of \$2,500.

When choosing the designated days, the commissioner shall take into consideration the observance of any religious and secular days of observation occurring therein; provided further, that the commissioner shall designate such days so as to maximize the economic benefit to the commonwealth.

Reporting requirements imposed upon vendors of tangible personal property, by law or by regulation, including, but not limited to, the requirements for filing returns required by chapter 62C of the General Laws, shall remain in effect for sales for the days designated by the commissioner.

On or before December 31 of each year, the commissioner of revenue shall certify to the comptroller the amount of sales tax forgone, as well as new revenue raised from personal and corporate income taxes and other sources, because of this act. The commissioner shall issue a report, detailing by fund the amounts under general and special laws governing the distribution of revenues under this chapter which would have been deposited in each fund, without this act.

The commissioner of revenue shall issue instructions or forms, or promulgate rules or regulations, necessary for the implementation of this act.

SECTION 2. Section 6 of chapter 6411 of the General Laws, as so appearing, is hereby further amended by adding at the end thereof the following paragraph:—

(xx) Sales of any ENERGY STAR product. For the purpose of this paragraph, ‘ENERGY STAR product’ shall mean a product that is clearly labeled as such and rated for energy efficiency under the ENERGY STAR program established in section 324A of the Energy Policy and Conservation Act, as it may be amended from time to time, and regulated by the Environmental Protection Agency.

SECTION 3. Notwithstanding any general or special law to the contrary, for the days of August 11, 2007 and August 12, 2007, an excise shall not be imposed upon non-business sales at retail in the Commonwealth of tangible personal property, as defined in Section 1 of Chapter 64H of the General Laws, but for the purposes of this act, tangible personal property shall not include telecommunications, tobacco products subject to the excise imposed by Chapter 64C of the General Laws, gas, steam, electricity, motor vehicles, motorboats, meals, or a single item whose price is in excess of \$2,500.

SECTION 4. Notwithstanding any general or special law to the contrary, for the days of August 11, 2007 and August 12, 2007, a vendor in the Commonwealth shall not add to the sales price or collect from any non-business purchaser an excise upon sales at retail of tangible personal property, as defined in Section 1 of Chapter 64H of the General Laws. The commissioner of revenue shall not require any vendor to collect and pay excise upon sales at retail of tangible personal property purchased on August 11, 2007 and August 12, 2007. Any excise erroneously or improperly collected during the days of August 11, 2007 and August 12, 2007 shall be remitted to the department of revenue. This section shall not apply to the sale of telecommunications, tobacco products subject to the excise imposed by chapter 64C of the General Laws, gas, steam, electricity, motor vehicles, motorboats, meals, or any single item whose price is in excess of \$2,500.

SECTION 5. Notwithstanding any general or special law to the contrary, reporting requirements imposed upon vendors of tangible personal property, by law or by regulation, including, but not limited to, the requirements for filing returns required by Chapter 62C of the General Laws, shall remain in effect for sales for the days of August 11, 2007 and August 12, 2007.

SECTION 6. (a) Notwithstanding any general or special law to the contrary, on or before December 31, 2007, the commissioner of revenue shall certify to the comptroller the amount of sales tax forgone, as well as new revenue raised from personal and corporate income taxes and other sources pursuant to this act.

(b) Notwithstanding any general or special law to the contrary, the commissioner of revenue shall file a report with the joint committee on revenue and the house and senate committees on ways and means detailing the impact of this act. Said report shall include, without limitation, an analysis by fund of the amounts under general and special laws governing the distribution of revenues under Chapter 6411 of the General Laws which would have been deposited in each fund notwithstanding this act.

SECTION 7. Notwithstanding any general or special law to the contrary, the commissioner of revenue shall issue instructions or forms, or promulgate rules or regulations, necessary for the implementation of this act.

SECTION 8. Notwithstanding any general or special law to the contrary, eligible sales at retail of tangible personal property under Sections 3 and 4 are restricted to those transactions occurring on August 11, 2007 and August 12, 2007. Transfer of possession of or payment in full for the property shall occur on 1 of those days, and prior sales or layaway sales are ineligible.” After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-four minutes before three o’clock P.M., on motion of Mr. Tisei, as follows, to wit (*yeas 5 — nays 31*) [**Yeas and Nays No. 76**]:

**YEAS.**

Brown, Scott P.	Tisei, Richard R.
Knapik, Michael R.	Tucker, Susan C. — <b>5.</b>
Tarr, Bruce E.	

**NAYS.**

Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	O’Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Candaras, Gale D.	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.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tolman, Steven A.
Jehlen, Patricia D.	Walsh, Marian
Joyce, Brian A.	Wilkerson, Dianne — <b>31.</b>
McGee, Thomas M.	

**ABSENT OR NOT VOTING.**

Chandler, Harriette L.	Hart, John A., Jr. — <b>2.</b>
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The yeas and nays having been completed at eighteen minutes before three o’clock P.M., the amendment was *rejected*.

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

“SECTION 7. Section 4 of said chapter 62 of the General Laws, as so appearing in the 2006 Official Edition, is hereby amended by striking out subsection (b) in its entirety and inserting in place thereof the following subsection:—

(b) Part B taxable income shall be taxed at the rate of 5.15 percent for the taxable year beginning January 1, 2008.

SECTION 8. Section 4 of said chapter 62 of the General Laws, as so appearing, is hereby amended by striking out subsection (b) in its entirety and inserting in place thereof the following subsection:—

(b) Part B taxable income shall be taxed at the rate of 5 percent for the taxable year beginning January 1, 2009.

SECTION 9. Section 1 of this act shall be effective only for the taxable year beginning January 1, 2008.

SECTION 10. Section 2 of this act shall be effective for taxable years beginning on or after January 1, 2009.”

Pending the question on adoption of the amendment, Mr. Panagiotakos arose to a point of order which, being stated, was that the amendment was beyond the scope of the bill.

The President ruled that the point of order was well taken; and the amendment was laid aside.

Mr. Tisei appealed the ruling of the Chair and was seconded by Mr. Tarr.

After debate, the question, “Shall the decision of the Chair stand as the judgement of the Senate?” was then considered; and the question thereon was determined by a call of the yeas and nays, at six minutes before three o’clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 31 — nays 5*) [**Yeas and Nays No. 77**]:

#### **YEAS.**

Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Berry, Frederick E.	O’Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Candaras, Gale D.	Petrucelli, Anthony
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Downing, Benjamin B.	Spilka, Karen E.
Fargo, Susan C.	Timilty, James E.
Havern, Robert A.	Tolman, Steven A.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —
Menard, Joan M.	<b>31.</b>

#### **NAYS.**

Brown, Scott P.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.— <b>5.</b>
Knapik, Michael R.	

#### **ABSENT OR NOT VOTING.**

Chandler, Harriette L.	Hart, John A., Jr. — <b>2.</b>
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**The yeas and nays having been completed at three minutes before three o’clock P.M., the ruling of the Chair was sustained; and accordingly, the amendment was laid aside.**

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

“SECTION 8. Section 6 of chapter 64H of the General Laws, as so appearing, is hereby further amended by adding at the end thereof the following paragraph:—

(xx) Sales of any ENERGY STAR product. For the purpose of this paragraph, ‘ENERGY STAR product’ shall mean a product that is clearly labeled as such and rated for energy efficiency under the ENERGY STAR program established in section 324A of the Energy Policy and Conservation Act, as it may be amended from time to time, and regulated by the Environmental Protection Agency.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at thirteen minutes past three o’clock P.M., on motion of Mr. Tisei, as follows, to wit (*yeas 5 — nays 32*) [**Yeas and Nays No. 78**]:

**YEAS.**

Brown, Scott P.                      Tarr, Bruce E.  
Hedlund, Robert L.                Tisei, Richard R.—5.  
Knapik, Michael R.

**NAYS.**

Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	O'Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Candaras, Gale D.	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.
Hart, John A., Jr.	Timilty, James E.
Havern, Robert A.	Tolman, Steven A.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —

**ABSENT OR NOT VOTING.**

Chandler, Harriette L.  
—1

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

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

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays at eighteen minutes past three o'clock P.M., on motion of Mr. Panagiotakos, as follows, to wit (*yeas 33 — nays 4*) **[Yeas and Nays No. 79]:**

YEAS.	
Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	O'Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Candaras, Gale D.	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.
Hart, John A., Jr.	Timilty, James E.
Havern, Robert A.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.
McGee, Thomas M.	Wilkerson, Dianne — <b>33.</b>
Menard, Joan M.	
<b>NAYS.</b>	
Augustus, Edward M., Jr.	Jehlen, Patricia D.
Hedlund, Robert L.	Walsh, Marian — <b>4.</b>
<b>ABSENT OR NOT VOTING.</b>	
Chandler, Harriette L. — <b>1.</b>	

**The yeas and nays having been completed at twenty-two minutes past three o'clock P.M., the bill was passed to be engrossed, in concurrence.**

The House Bill relative to the licensing requirements for certain tidelands (House, No. 4184),— 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 2306; by inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would defeat its purpose, which is to authorize a regulatory exemption for certain landlocked tidelands from license requirements, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience”; and by striking out the title and inserting in place thereof the following title: “An Act regarding the licensing requirements for landlocked filled tideland.”,— was considered.

Ms. Resor moved that the proposed new text be amended, in section 3, by striking out the definition of “Public way” and insert-ing in place thereof the following definition:—

“Public way”, a road, street or highway for vehicular use, open to the public and for which a public agency is responsible for maintenance and repair”.

After remarks, the amendment was adopted.

Ms. Spilka moved that the proposed new text be amended in section 3 by inserting after the words “public way or interconnected public ways”, in line 26 the following words:— “or railroad or transit right of way,”.

The amendment was *rejected*.

Messrs. Morrissey and Hart moved that the proposed new text be amended by inserting after each occasion of the word “regulations” in the first sentence of section 7 the words:— “and any determinations of applicability.”

**After debate, the amendment was adopted.**

Ms. Resor moved that the proposed new text be amended, in section 4, by striking out the last paragraph and inserting in place thereof the following paragraph:—

“The proponent of any new use or structure, or modification of an existing use or structure, within landlocked tidelands who is otherwise required to file an environmental notification form pursuant to section 62A of chapter 30 shall comply with the requirements of this paragraph. The environmental notification form, and the environmental impact report, if the latter is required, shall include a discussion of the project’s impact on the public’s right to access, use and enjoy tidelands as protected by this chapter, and shall identify and commit to taking measures to avoid, minimize, or mitigate any adverse impact on such rights set forth herein. The environmental notification form, and the environmental impact report, if the latter is required, shall also include a discussion of the project’s impact on groundwater levels if the project is located in an area where low groundwater

levels have been identified by a municipality as a threat to building foundations, and shall identify and commit to taking measures to avoid, minimize, or mitigate any adverse impact on groundwater levels. Any measures identified by the secretary of the executive office of energy and environmental affairs pursuant to this section shall be set forth in a Massachusetts Policy Act certificate on the environmental notification form, or in a certificate on the environmental impact report, if the latter is applicable. Within 30 days after the issuance of a certificate under this paragraph, the proponent shall file with the department of environmental protection a completed form notifying the department that work will be conducted within landlocked tidelands, and shall attach the Massachusetts Environmental Policy Act certificate to the form. The proponent shall comply with all obligations set forth in the certificate pursuant to this section, and the department shall have the authority to enforce such conditions consistent with this chapter.”

**After debate, the amendment was adopted.**

Ms. Jehlen and Messrs. Petruccelli and Tolman moved that the proposed new text be amended, in section 4 by striking out the following words:— “Unless the department adopts regulations requiring licensing under this chapter, no license under this chapter shall be required for fill on landlocked tidelands, or for uses or structures within landlocked tidelands.”, and inserting in place thereof the following:— “The department may adopt regulations following a public hearing that exempt landlocked tidelands from licensing. Any such regulations, shall be adopted by February 29, 2008. Until that time regulations in affect prior to SJC-09774 shall be in force.”

The amendment was *rejected*.

Ms. Resor moved that the proposed new text be amended by inserting the following section:—

“SECTION \_\_\_\_ . The secretary of energy and environmental affairs shall appoint an individual to act as the chapter 91 Information Officer. The individual shall be qualified by training and experience to perform the duties and exercise the powers of this position as provided in this act. The duties of this office may be exercised in combination with other duties as the Secretary shall see fit. The Information Officer shall perform the following duties as directed by the Secretary of the Executive Office of Energy and Environmental Affairs (the Secretary): 1) prepare an annual report on the public benefits required by licenses issued under this section; 2) file the report no later than January 31 of the following year with the joint legislative committee on natural resources and agriculture, the senate committee on ways and means, and the house committee on ways and means; 3) make recommendations to these committees, the Secretary, and the Department of Environmental Protection (“the Department”) with respect to such public benefits and any proposed changes in regulations or procedures to improve the Chapter 91 licensing process; and 4) be available to work with members of the public to answer questions about the Chapter 91 licensing process, to provide history and context regarding Chapter 91, and to discuss past and future decisions. The Officer shall not have a direct role in the licensing process once an application for that project has been filed with DEP.”

Pending the question on adoption of the amendment, Mr. Creedon moved that the amendment be amended by striking the last sentence of section 6 and inserting the following sentence:— “The Officer may have input but not direct responsibility for the licensing process once an application for that project has been filed with DEP.”

**The further amendment was adopted.**

**The pending amendment (Resor) was then considered; and it was adopted, as amended.**

Mr. Tolman moved that the proposed new text be amended in section 4 after “The department may adopt regulations that exempt landlocked tidelands from licensing.” by inserting the following:— “; provided that new use or expansion of an existing structure if the new use or structure occupies one or more acres of landlocked tidelands shall require a license.” Further, proposed new text in section 4 after, “Unless the department adopts regulations to the contrary, no license under this chapter shall be required for fill on landlocked tidelands” by inserting the following language:— “or for uses or structures within landlocked tidelands existing before the effective date of this act.”

After remarks, the amendment was *rejected*.

Mr. Petruccelli, Ms. Jehlen and Mr. Tolman moved that the proposed new text be amended by adding a new section:—

“SECTION 8. The Department of Environmental Protection shall undertake a study of ground and surface water flow and drainage in the sections of the cities of Cambridge, Somerville, and Boston formerly identified as the Miller’s River. Said report shall be filed with The Clerks of the House and Senate by April 1, 2008.”

**The amendment was adopted.**

**The Ways and Means amendment, as amended, was then adopted.**

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

The question on passing the bill, as amended, to be engrossed was determined by a call of the yeas and nays at nine minutes before four o’clock P.M., on motion of Mr. Tisei, as follows, to wit (*yeas 35 — nays 0*) [**Yeas and Nays No. 80**]:

## **YEAS.**

Antonioni, Robert A.

Augustus, Edward M., Jr.

Baddour, Steven A.

Brewer, Stephen M.

Montigny, Mark C.

Moore, Richard T.

Morrissey, Michael W.

O’Leary, Robert A.



Brown, Scott P.  
Buoniconti, Stephen J.  
Candaras, Gale D.  
Creedon, Robert S., Jr.  
Creem, Cynthia Stone  
Downing, Benjamin B.  
Fargo, Susan C.  
Hart, John A., Jr.  
Havern, Robert A.  
Hedlund, Robert L.  
Joyce, Brian A.  
Knapik, Michael R.  
McGee, Thomas M.  
Menard, Joan M.

Pacheco, Marc R.  
Panagiotakos, Steven C.  
Petrucelli, Anthony  
Resor, Pamela  
Rosenberg, Stanley C.  
Spilka, Karen E.  
Tarr, Bruce E.  
Timilty, James E.  
Tisei, Richard R.  
Tolman, Steven A.  
Tucker, Susan C.  
Walsh, Marian  
Wilkerson, Dianne — **35.**

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

Berry, Frederick E.  
Chandler, Harriette L.

Jehlen, Patricia D. — **3.**

The yeas and nays having been completed at four minutes before four o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendments. **For text of Senate amendments, see Senate, No. 2309, printed as amended.] Sent to the House for concurrence in the amendments.**

The Senate Bill relative to child passenger safety (Senate, No. 2018),— **was read a third time.**  
After remarks, the question on passing it to be engrossed was determined by a call of the yeas and nays, at three minutes past four o'clock P.M., on motion of Mr. Baddour, as follows, to wit (*yeas 35 — nays 0*) [**Yeas and Nays No. 81**]:

**YEAS.**

Antonioni, Robert A.  
Augustus, Edward M., Jr.  
Baddour, Steven A.  
Brewer, Stephen M.  
Brown, Scott P.  
Buoniconti, Stephen J.  
Candaras, Gale D.  
Creedon, Robert S., Jr.  
Creem, Cynthia Stone  
Downing, Benjamin B.  
Fargo, Susan C.  
Hart, John A., Jr.  
Havern, Robert A.  
Hedlund, Robert L.  
Joyce, Brian A.  
Knapik, Michael R.  
McGee, Thomas M.  
Menard, Joan M.

Montigny, Mark C.  
Moore, Richard T.  
Morrissey, Michael W.  
O'Leary, Robert A.  
Pacheco, Marc R.  
Panagiotakos, Steven C.  
Petrucelli, Anthony  
Resor, Pamela  
Rosenberg, Stanley C.  
Spilka, Karen E.  
Tarr, Bruce E.  
Timilty, James E.  
Tisei, Richard R.  
Tolman, Steven A.  
Tucker, Susan C.  
Walsh, Marian  
Wilkerson, Dianne — **35.**

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

Berry, Frederick E.

Jehlen, Patricia D. — **3.**

Chandler, Harriette L.

**The yeas and nays having been completed at seven minutes past four o'clock P.M., the bill was passed to be engrossed. Sent to the House for concurrence.**

**PAPERS FROM THE HOUSE.**

*Engrossed Bills — Land Takings for Conservation, Etc.*

An engrossed Bill relative to the management and operation of the Wallace Civic Center and Planetarium in the city of Fitchburg (see Senate, No. 2209, amended) (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 nine minutes past four o'clock P.M., as follows, to wit (*yeas 35 — nays 0*) [**Yeas and Nays No. 82**]:

**YEAS.**

Antonioni, Robert A.  
Augustus, Edward M., Jr.  
Baddour, Steven A.  
Brewer, Stephen M.  
Brown, Scott P.  
Buoniconti, Stephen J.  
Candaras, Gale D.  
Creedon, Robert S., Jr.  
Creem, Cynthia Stone  
Downing, Benjamin B.  
Fargo, Susan C.  
Hart, John A., Jr.  
Havern, Robert A.  
Hedlund, Robert L.  
Joyce, Brian A.  
Knapik, Michael R.  
McGee, Thomas M.  
Menard, Joan M.

Montigny, Mark C.  
Moore, Richard T.  
Morrissey, Michael W.  
O'Leary, Robert A.  
Pacheco, Marc R.  
Panagiotakos, Steven C.  
Petrucelli, Anthony  
Resor, Pamela  
Rosenberg, Stanley C.  
Spilka, Karen E.  
Tarr, Bruce E.  
Timilty, James E.  
Tisei, Richard R.  
Tolman, Steven A.  
Tucker, Susan C.  
Walsh, Marian  
Wilkerson, Dianne — **35.**

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

Berry, Frederick E.  
Chandler, Harriette L.

Jehlen, Patricia D. — **3.**

**The yeas and nays having been completed at twelve minutes past four 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.**

An engrossed Bill transferring the care and custody of a portion of Cameron School conservation land from the conservation commission to the Council on Aging in the town of Westford (see Senate Bill, printed as House, No. 4165) (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 thirteen minutes past four o'clock P.M., as follows, to wit (*yeas 35 — nays 0*) [**Yeas and Nays No. 83**]:

**YEAS.**

Antonioni, Robert A.  
Augustus, Edward M., Jr.  
Baddour, Steven A.

Montigny, Mark C.  
Moore, Richard T.  
Morrissey, Michael W.

Brewer, Stephen M.  
Brown, Scott P.  
Buoniconti, Stephen J.  
Candaras, Gale D.  
Creedon, Robert S., Jr.  
Creem, Cynthia Stone  
Downing, Benjamin B.  
Fargo, Susan C.  
Hart, John A., Jr.  
Havern, Robert A.  
Hedlund, Robert L.  
Joyce, Brian A.  
Knapik, Michael R.  
McGee, Thomas M.  
Menard, Joan M.

O'Leary, Robert A.  
Pacheco, Marc R.  
Panagiotakos, Steven C.  
Petruccelli, Anthony  
Resor, Pamela  
Rosenberg, Stanley C.  
Spilka, Karen E.  
Tarr, Bruce E.  
Timilty, James E.  
Tisei, Richard R.  
Tolman, Steven A.  
Tucker, Susan C.  
Walsh, Marian  
Wilkerson, Dianne — **35.**

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

Berry, Frederick E.  
Chandler, Harriette L.

Jehlen, Patricia D. — **3.**

**The yeas and nays having been completed at a quarter past four 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.**

An engrossed Bill relative to certain playground land in the town of Provincetown (see House, No. 3754, 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 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 sixteen minutes past four o'clock P.M., as follows, to wit (*yeas 35 — nays 0*) [**Yeas and Nays No. 84**]:

**YEAS.**

Antonioni, Robert A.  
Augustus, Edward M., Jr.  
Baddour, Steven A.  
Brewer, Stephen M.  
Brown, Scott P.  
Buoniconti, Stephen J.  
Candaras, Gale D.  
Creedon, Robert S., Jr.  
Creem, Cynthia Stone  
Downing, Benjamin B.  
Fargo, Susan C.  
Hart, John A., Jr.  
Havern, Robert A.  
Hedlund, Robert L.  
Joyce, Brian A.  
Knapik, Michael R.  
McGee, Thomas M.  
Menard, Joan M.

Montigny, Mark C.  
Moore, Richard T.  
Morrissey, Michael W.  
O'Leary, Robert A.  
Pacheco, Marc R.  
Panagiotakos, Steven C.  
Petruccelli, Anthony  
Resor, Pamela  
Rosenberg, Stanley C.  
Spilka, Karen E.  
Tarr, Bruce E.  
Timilty, James E.  
Tisei, Richard R.  
Tolman, Steven A.  
Tucker, Susan C.  
Walsh, Marian  
Wilkerson, Dianne — **35.**

**NAYS — 0.**  
**ABSENT OR NOT VOTING.**

Berry, Frederick E.  
Chandler, Harriette L.

Jehlen, Patricia D. — 3.

**The yeas and nays having been completed at eighteen minutes past four 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.**

*Matters Taken Out of the Orders of the Day.*

There being no objection, the following matter were taken out of the Orders of the Day and considered as follows:  
The House Bill authorizing the town of Tisbury to incur debt for the purpose of removing overhead utilities and replacing the same with underground facilities (House, No. 1996),— **was read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the town of Orleans to lease certain town land (House, No. 3990),— was read a third time.  
Pending the question on passing the bill to be engrossed, Mr. O'Leary moved that the bill be amended by inserting after section 1, the following section:—

“SECTION 2. Any lease payments collected by the town of Orleans, pursuant to the lease authorized by section 1, shall be deposited into the town's water reserve account.”.

**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.**

*Report of Committees.*

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that the Senate Bill promoting a framework for civic education (Senate, No. 340),— **ought to pass.**

**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.**

**Sent to the House for concurrence.**

**PAPERS FROM THE HOUSE.**

*Engrossed Bill.*

An engrossed Bill relative to security freezes and notification of data breaches (see House, No. 4144, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted and was signed by the President and again laid before the Governor for his approbation.

The following engrossed bills (the first three 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 regulating sewer connections in the town of Charlton (see Senate, No. 1152, amended); Further regulating water supply connections in the town of Charlton (see Senate, No. 1153);

Relative to the safe placement of newborn infants (see Senate, No. 2177, amended); and

Authorizing the town of Belmont to establish another post-employment benefits trust fund (see House, No. 1441, amended).

A petition (accompanied by bill, House, No. 4193) of Lida E. Harkins that the Division of Capital Asset Management and Maintenance and BMI Realty Trust be authorized to exchange certain parcels of land located in the town of Needham,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Bonding, Capital Expenditures and State Assets.**

*Engrossed Bills.*

An engrossed Bill relative to the use of certain school building assistance program reimbursements to the city of Medford (see House, No. 4096, changed and amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted and was signed by the President and again laid before the Governor for his approbation.

An engrossed Bill providing for a certain exemption from the sales tax (see House, No. 2876) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the President and laid before the Governor for his approbation.

*Order Adopted.*

On motion of Mr. Hart,—

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

*Adjournment in Memory of Edward J. Sullivan.*

The Senator from Middlesex, Mr. Panagiotakos, presented a request that when the Senate adjourns today, it do so in memory of Edward J. Sullivan.

Edward J. Sullivan served as Clerk of Courts for Middlesex County for 48 years. As the longest serving elected official in Massachusetts history, Mr. Sullivan was elected to office in 1949 and served ten years on the Cambridge City Council before being elected Clerk of Courts in 1959.

Mr. Sullivan was born in Cambridge and served in the U.S. Navy in the South Pacific during World War II. Following in a long history of public service set by his family, Mr. Sullivan was one of four Sullivans to hold a Cambridge City Council seat for 70 consecutive years. He served as mayor of Cambridge between 1956 and 1957. During his tenure as Clerk of Courts, Mr. Sullivan modernized the office by introducing one of the first computerized systems in the state and partnered with the Trial Court to create the one-day-one-case jury system. In 2001 the Massachusetts Legislature named the East Cambridge Courthouse in his honor.

Mr. Sullivan died on July 24, 2007 of a lung infection. He was 86 years old.

Accordingly, as a mark of respect to the memory of Edward J. Sullivan, at twenty-eight minutes before five o'clock P.M., on motion of Mr. Tisei, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.