

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

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, August 21, 2008.

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

The Chair (Mr. Petrucci), members, guests and employees then recited the pledge of allegiance to the flag.

Petition.

Mr. Tisei presented a petition (accompanied by bill, Senate, No. 2875) of Richard R. Tisei, Thomas M. McGee and Katherine M. Clark (with the approval the Mayor and city council) for legislation to authorize the placement on the official ballot to be used in the city of Melrose at the biennial state election to be held in November 2008 two questions relative to the licensing of purveyors of beer and wine in the city of Melrose [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Consumer Protection and Professional Licensure. Sent to the House for concurrence.**

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 5081) of Paul J. Donato and others (with the approval of the mayor and city council) authorizing the city of Medford to provide for an early incentive retirement for its workforce,— **was referred, in concurrence, to the committee on Public Service.**

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:— Resolutions (filed by Mr. Pacheco) “congratulating John Frias on his retirement from Bristol Plymouth Regional Technical School”; and Resolutions (filed by Messrs. Tarr and Panagiotakos) “commemorating the dedication of a monument in the town of Wilmington in memory of Private First Class John Landry, Jr.”.

Report of a Committee.

By Mr. Augustus, for the committee on Bills in the Third Reading, to whom was referred the amendment recommended by His Excellency the Governor to the engrossed Bill authorizing the development of a regional education, training and skills center in the city of Taunton (see Senate, No. 53, changed and amended) [for message see Senate, No. 2873],— reported, that the amendment recommended by the Governor be considered in the following form:

In section 1 by striking out, in line 5, the word “and”, the second time it appears, and inserting in place thereof the following words:— , for the development of a life sciences center pursuant to item 7002-0015 of section 2B of chapter 130 of the acts of 2008 or; and

In section 3, by adding the following 3 sentences:— In addition, the terms of the disposition shall include the requirement that the

Taunton Development Corporation shall enter into a lease with the commissioner of capital asset management and maintenance, acting in consultation with the state 911 department, authorizing the state 911 department to continue to occupy the structures described as: (a) #32, Hillside Dorm, Cottage D; (b) #33, Westwood Dorm, Cottage C; and (c) #34, Meadowview Dorm, Cottage B and the immediate surrounding land. The term of the lease, including any extensions, shall not exceed 5 years, and the rent shall be \$1 per year. The lease shall provide that the state 911 department may terminate the lease at any time with 1 year's notice. The lease shall further provide that the Taunton Development Corporation may, in its sole discretion with 1 year's notice to the state 911 department, take possession of these structures and land and permit the state 911 department the option to relocate to equivalent structures and land within the parcel described in section 7 of this act, at a rent of \$1 per year and for the same term and on the same terms and conditions; provided however, that if the Taunton Development Corporation elects to exercise its right to terminate the lease prior to expiration, it shall pay all costs associated with the state 911 department's relocation.

The rules were suspended, on motion of Mr. Pacheco, and the report was considered forthwith, and accepted.

The President 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 of Mr. Pacheco, the Senate then adopted the Governor's amendment in the form recommended by the committee on Bills in the Third Reading.

Sent to the House for its action.

Engrossed Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill to establish a sudden infant death syndrome advisory council. (see House, No. 1678) [for message, see House, No. 5012,— came from the House with the endorsement that the House had rejected the amendment recommended by the Governor, and had adopted the following amendment, by striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. The state child fatality review team, established in section 2A of chapter 38 of the General Laws shall conduct a study of training and protocols related to sudden, unexplained deaths of children under the age of 3. The team shall examine the feasibility of adopting statewide training and protocols, including those developed by the Centers for Disease Control and Prevention, for first responders and investigators, including emergency medical systems personnel, municipal police, state police and medical examiners. The training and protocols shall promote: (1) forensically competent death scene investigations and autopsies; (2) sensitivity toward families and child care providers affected by these deaths, including notification of available community resources and support groups; and (3) coordination with experts, including the Massachusetts Center for Sudden Infant Death Syndrome at Boston Medical Center, to provide research data on these deaths. The team shall solicit input from persons who have been affected by the sudden, unexplained deaths of a child under the age of 3.

The team shall submit a report of its findings and any legislative or regulatory recommendations to the secretary of public safety, the secretary of health and human services, and the general court, by filing the report with the house and senate clerks, not later than July 1, 2009.

SECTION 2. This act shall be known as the Paige Victoria Perry Act.”;

and by striking out the title and inserting in place thereof the following title:— “An Act relative to sudden, unexplained child deaths.”.

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 Mr. Pacheco.

The Governor's amendment was then rejected.

The House amendment was considered; and it was adopted, in concurrence.

Sent to the House for re-enactment.

Engrossed Bill.

An engrossed Bill prohibiting restrictive covenants for social workers (see House, No. 1873) (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 Acting President (Mr. Petrucci) and laid before the Governor for his approbation.

Emergency Preamble Adopted.

An engrossed Bill relative to biomedical research (see House, No. 4812), 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 3 to 0.**

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

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 relating to spectating at or creating depictions of animal fighting or cruelty (House, No. 1527).

There being no objection, the rules were suspended, on motion of Mr. Pacheco, 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 designating the Fitchburg District Courthouse as the Gelinias Courthouse (Senate, No. 2846).

**There being no objection, the rules were suspended, on motion of Mr. Pacheco, 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 relative to public parking in the city of Fitchburg (Senate, No. 2866).

**There being no objection, the rules were suspended, on motion of Mr. Pacheco, 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 placement of twins in schools (House, No. 469).

There being no objection, the rules were suspended, on motion of Mr. Pacheco, 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 amending certain health insurance options for municipal retirees (House, No. 4516).

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

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 House Bill relative to an intermunicipal agreement and betterment assessments in the town of Lunenburg (House, No. 5033),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

Orders Adopted.

Mr. Petruccelli offered the following order, to wit:

Ordered, notwithstanding the provisions of Joint Rule 10, the committee on Municipalities and Regional Government be granted until Monday, September 22, 2008 in which to make its final report on a current Senate document numbered 2844, relative to various local issues.

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

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

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

Sent to the House for concurrence.

On motion of Mr. Brown,—

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.

Adjournment in Memory of Daniel McGuire of Mashpee.

The Senator from the Cape and the Islands, Mr. O'Leary, requested that when the Senate adjourns today, it adjourn in memory of Marine PFC Daniel McGuire, of Mashpee, Massachusetts.

Nineteen year old Daniel McGuire passed away last Thursday when the post he was guarding in the Anbar province of Iraq was attacked by unknown enemy forces. McGuire, a 2007 Mashpee High School Graduate was an active Boy Scout growing up and was also involved in theater and his community. Daniel is survived by his parents and three younger brothers.

Accordingly, as a mark of respect to the memory of Daniel McGuire, at eighteen minutes past eleven o'clock P.M., on motion of Mr. Pacheco, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.