

**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, January 5, 2009.*

Met at four minutes past eleven o'clock A.M. (Mr. Petruccelli 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. Petruccelli), members, guests and employees then recited the pledge of allegiance to the flag.

#### *Distinguished Guests.*

There being no objection, the Chair (Mr. Petruccelli) handed the gavel to Mr. Timilty for the purpose of an introduction. Mr. Timilty then introduced several Eagle Scouts that are members of the Order of the Arrow of the Greater St. Louis Area Council: National Chief of Shawnee Lodge, Jack O'Neil, Chief of Section NE-1B, Gregory Burke, Vice Chief of Section NE-1B, Thomas Taricano, Chief of Tisquantum Lodge, Christopher Marcus and Past Chief of Tisquantum Lodge, Michael O'Keeffe. The Senate welcomed them with applause and they withdrew from the Chamber.

#### PAPERS FROM THE HOUSE.

A Bill relative to the Department of Telecommunications and Cable (printed in House, No. 4816, amended,— **being a message from His Excellency the Governor**),— **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

#### *Bills*

Amending the town of Wilmington sewer act (House, No. 5125, changed,— on petition) [Local approval received]; and Authorizing the board of selectmen of the town of Weston to issue a license for the sale of all alcoholic beverages to be consumed on the premises of the Josiah Smith Tavern and Bar (House, No. 5190,— on House, No. 5021) [Local approval received on House, No. 5021];

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

#### *Resolutions.*

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:— Resolutions (filed by Mr. Pacheco) “honoring Charles and Geraldine Pina as they celebrate their marriage of 50 years.”

#### *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 park department in the town of Braintree (House, No. 4237),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill relative to elections in the town of Braintree (House, No. 4458),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill providing for the filling of certain vacancies in the town of Braintree (House, No. 4459),— **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 for the filling of vacancies in certain offices in the town of Braintree”.**

The House Bill relative to the filling of vacancies in certain elected offices in the town of Braintree (House, No. 4489),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill relative to the positions of treasurer and tax collector in the town of Becket (House, No. 4940) ,— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the establishment of an affordable housing fund in the town of Harwich (House, No. 5077),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill increasing the number of licenses for the sale of alcoholic beverages in the town of West Bridgewater (House, No. 5088),— **was read a second time.**

Pending the question on ordering the bill to a third reading, Mr. Joyce moved that the bill be amended in section 1, by striking out the second sentence and inserting in place thereof the following sentence:— “The 5 additional licenses authorized in this act shall be granted only to businesses located in the development known as The Villages at West Bridgewater.”; and in said section 1, by striking out the second paragraph and inserting in place thereof the following paragraph:—

“Notwithstanding any general law or special law or rule or regulation to the contrary, the licensing authority of the town of West Bridgewater shall not approve the transfer of any of the licenses authorized in this act to any other person, corporation or organization but, a license may be re-issued by the licensing authority at another location within The Villages at West Bridgewater if an applicant for the license files with the licensing authority a letter from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.”

**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 amendment, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act authorizing 5 additional licenses for the sale of all alcoholic beverages to be drunk on the premises in the town of West Bridgewater”.**

**Sent to the House for concurrence in the amendment.**

#### *Report 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 signatures for nomination petitions for city councilor at large (House, No. 4889).

**There being no objection, the rules were suspended, on motion of Mr. Brown, 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 signatures for nomination petitions for city councillor-at-large in the city of Boston”.**

#### **PAPERS FROM THE HOUSE.**

##### *Engrossed Bills.*

The following engrossed bills (the first two 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. Petrucci) and laid before the Governor for his approbation, to wit:

Relative to public access to recreational trails (see Senate, No. 2759);

Authorizing the Mashpee Water District to hold elections for the board of water commissioners concurrently with the Mashpee town elections (see Senate, No. 2879);

Relative to the uniform probate code (see House, No. 1633, amended);

Relative to the retirement of certain employees of the Massachusetts Water Resources Authority (see House, No. 2682, changed);

Designating the Department of Youth Services facility in the town of Westborough as the Zara Cisco Brough Princess White Flower facility (see House, No. 3231);

Relative to certain licenses for the sale of all alcoholic beverages to be drunk on the premises in the town of Hingham (see House, No. 4501, amended);

Relative to retirement benefits for Louis Cataldo (see House, No. 5094, amended);

Establishing a sick leave bank for John Vitale, an employee of the Trial Court (see House, No. 5101, amended); and

Establishing a sick leave bank for Sharon Peeler-LaFountain, an employee of the Department of Correction (see House, No. 5158, changed).

*Reports of a Committee.*

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Germaine Mayers, an employee of the Middlesex Superior Court Probation Department (House, No. 5173),— **ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2899.**

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

**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.**

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Genevieve O'Brien, an employee of the Trial Court of the Commonwealth (House, No. 5186),— **ought to pass, with an amendment by adding the following sentence: "Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the trial court."**

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

**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, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act establishing a sick leave bank for Genevieve O'Brien, an employee of the Trial Court".**

**Sent to the House for concurrence in the amendment.**

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill further providing for the financial stability of the city of Springfield (House, No. 5192),— **ought to pass.**

**There being no objection, the rules were suspended, on motion of Mr. Brown, 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 authorizing Louis Magliozzi to take the civil service examination for appointment as a police officer in the town of Burlington notwithstanding age (House, No. 5162),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act authorizing Louis Magliozzi to take the civil service examination for appointment as a police officer in the town of Burlington notwithstanding the maximum age requirement".**

*Recess.*

There being no objection, at twenty-four minutes before twelve o'clock noon, the Chair (Mr. Petrucci) declared a recess subject to the call of the Chair; and, at one minute before three o'clock P.M., the Senate reassembled, Mr. Petrucci in the Chair.

**PAPERS FROM THE HOUSE.**

*Emergency Preamble Adopted.*

An engrossed Bill relative to the establishment of a tax amnesty program by the Commissioner of Revenue (see House, No. 5143, 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 5 to 0. The bill was signed by the Acting President (Mr. Petrucci) 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 Acting President (Mr. Petrucci) and laid before the Governor for his approbation, to wit:

Authorizing the town of Milton to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises of a certain restaurant (see Senate, No. 2300, amended);

Relative to the First District Court of Eastern Middlesex (see House, No. 1408);

Relative to the Groton Country Club Authority (see House, No. 4008);

Exempting the position of school custodian in the town of South Hadley from the civil service law (see House, No. 4419); and Authorizing the town of Lincoln to establish a post employment health insurance trust fund (see House, No. 4775).

*Engrossed Bill.*

An engrossed Bill validating the actions taken by the town of Webster at certain annual and special town meetings (see House Bill, printed in House, No. 5133) (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, two-thirds of the members present having voted in the affirmative, and it was signed by the Acting President (Mr. Petrucci) and laid before the Governor for his approbation.

*House Order.*

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

*Ordered*, That the General Court be authorized to receive the final report of the special commission established (under Chapter 1 of the Resolves of 2008) relative to the hidden effects of war, said report having been due on September 15, 2008.

**The order was adopted, in concurrence.**

A petition (accompanied by bill, House, No. 5206) of Jennifer M. Callahan for legislation to designate Vaillancourt Folk Art as the official Christmas collectible maker of the Commonwealth,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.**

The Senate Bill relative to renewal communities and smart growth zoning (Senate, No. 2370),— **came from the House, passed to be engrossed, in concurrence with an amendment striking out all after the enacting clause and inserting in place thereof the text of House document numbered 5166.**

**Senate Rule 36 was suspended, on motion of Mr. Hart, and the House amendment was considered forthwith.**

Ms. Tucker presented a motion that the Senate concurred in the House amendment with a further amendment striking out all after the enacting clause and inserting in place thereof the following text:

“SECTION 1. Notwithstanding any general or special law to the contrary, in a city designated by the United States Department of Housing and Urban Development as a renewal community pursuant to the Community Renewal Tax Relief Act of 2000, Public Law 106-554, an eligible location pursuant to chapter 40R of the General Laws may include areas with 1 or more underlying zoning districts where the city has previously incorporated smart growth principles, whether by the superimposing of an overlay district or otherwise in such renewal communities.

SECTION 2. A city designated by the United States Department of Housing and Urban Development as a renewal community which has a zoning ordinance or by-law that includes an overlay district enacted after January 1, 2002, for the purpose of incorporating smart growth principles may calculate units of new construction based on units in the underlying zoning district without regard to the overlay district in order to avoid any punitive effect upon the financial incentive to which the renewal community may be entitled under section 9 of chapter 40R of the General Laws.

SECTION 3. An application pursuant to chapter 40R of the General Laws to the department of housing and community development by a city designated as a renewal community shall provide verifying documentation of such designation.”.

**This further amendment was adopted.**

**Sent to the House for concurrence in the further amendment.**

*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 authorizing the town of Littleton to issue pension obligation bonds or notes (House, No. 5156),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing Antonio F. Dinis to take the civil service examination for the position of police officer in the town of Milford (House, No. 5157),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act authorizing Antonio F. Dinis to take the civil service examination notwithstanding the maximum age requirement for the position of police officer in the town of Milford”.**

The Senate Bill establishing a post employment health insurance liability fund in the town of Ipswich (Senate, No. 2886),— **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.**

*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 authorizing the town of Provincetown to impose a lien upon property in the town of Truro to secure unpaid water fees and charges (House, No. 5099, changed).

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

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 validating the actions taken at annual town elections held in the town of Dalton (printed in House, No. 5152).

**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 validating the actions taken at certain annual town elections held in the town of Dalton".**

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 kayak safety (House, No. 4981, amended).

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

Pending the question on ordering the bill to a third reading, Ms. Menard moved that the bill be amended by striking out section 2 and inserting in place thereof the following section:—

“SECTION 2. Said chapter 90B is hereby further amended by inserting after section 13A the following section:—

Section 13B. Anyone who holds himself out as a kayak instructor for hire shall obtain and maintain: (i) first aid training approved by the department of public health; (ii) cardiopulmonary resuscitation training approved by the department of public health; and (iii) kayak instructor certification from the American Canoe Association, American Red Cross certification in small craft safety and basic water rescue, or equivalent water training.

The instructor shall train students on the safety procedures appropriate to the level of paddling difficulty. Before a novice student is instructed in open waters, he shall receive wet exit training, which is practice escaping from a kayak while submerged in a controlled water setting.

A liability release that limits an instructor’s responsibility to comply with this section shall be void.”

**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 amendment.**

**Sent to the House for concurrence in the amendment.**

*Recess.*

There being no objection, at fourteen minutes before four o’clock P.M., the Chair (Mr. Petruccelli) declared a recess subject to the call of the Chair; and, at seven minutes before five o’clock P.M., the Senate reassembled, the Mr. Petruccelli in the Chair.

#### **PAPERS FROM THE HOUSE.**

##### *Emergency Preambles Adopted.*

An engrossed Bill relative to discharging sewage from marine vessels into waters of the Commonwealth designated as no discharge areas (see House, No. 4805, 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 4 to 0.**

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

An engrossed Bill establishing a sick leave bank for Genevieve O’Brien, an employee of the Trial Court (see House, No. 5186, 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 3 to 0.**

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

##### *Engrossed Bills.*

An engrossed Bill relative to the establishment of a tax amnesty program by the Commissioner of Revenue (see House, No. 5143, 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 Acting President (Mr. Petruccelli) and again laid before the Governor for his approbation.

The following engrossed bills (all of which originated in the House), 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. Petruccelli) and laid before the Governor for his approbation, to wit:

Relative to the park department in the town of Braintree (see House, No. 4237);

Relative to elections in the town of Braintree (see House, No. 4458);

Providing for the filling of certain vacancies in the town of Braintree (see House, No. 4459);

Relative to vacancies in certain elected offices in the town of Braintree (see House, No. 4489);

Relative to signatures for nomination petitions for city councillor-at-large in the city of Boston (see House, No. 4889);

Relative to the positions of treasurer and tax collector in the town of Becket (see House, No. 4940);

Establishing a Charles River water quality commission (see House, No. 5041, amended);

Authorizing the establishment of an affordable housing fund in the town of Harwich (see House, No. 5077); and

Authorizing Louis Magliozzi to take the civil service examination for appointment as a police officer in the town of Burlington notwithstanding the maximum age requirement (see House, No. 5162).

#### *Report of a Committee.*

Mr. Moore in the Chair, 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 unpaid municipal fines (House, No. 4883, amended).

**There being no objection, the rules were suspended, on motion of Mr. Petruccelli, and the bill was read a second time. Pending the question on ordering the bill to a third reading, the same Senator moved that the bill be amended in section 1, in proposed section 12 of Chapter 40U of the General Laws, by striking out the words “and does not live at the property that is the subject of the notice of violation”; and by striking out section 2.**

**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 amendment.**

**Sent to the House for concurrence in the amendment.**

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 validating the actions taken at an annual town meeting and special town meeting of the town of Rockland (printed in House, No. 5153).

**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 validating the actions taken at a certain annual and special town meeting in the town of Rockland”.**

#### **PAPERS FROM THE HOUSE.**

Mr. Petruccelli in the Chair, the Senate Bill establishing collaborative drug therapy management (Senate, No. 2706),— **came from the House passed to be engrossed, in concurrence with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5188.**

**The rules were suspended, on motion of Mr. Moore, and the House amendment was considered forthwith and adopted, in concurrence.**

The Senate Bill relative to the retirement allowance for certain teachers (Senate, No. 1557),— **came from the House passed to be engrossed, in concurrence with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5178.**

**The rules were suspended, on motion of Mr. Moore, and the House amendment was considered forthwith and adopted, 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 municipal government of the city of Chicopee (House, No. 5128),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill relative to the minimum years of service required to be eligible for civil service promotions to the position of fire captain in the town of Chelmsford (House, No. 5149),— **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 minimum years of service required to be eligible for a civil service promotion to the position of fire captain in the town of Chelmsford”.**

*Reports of a Committee.*

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill relative to certain public nuisances (House, No. 5189, amended),— **ought to pass, with an amendment in section 2, by striking out the first sentence of the proposed section 12 of chapter 132 of the General Laws, and inserting in place thereof the following words:—**

“Whoever knowingly resists or obstructs the commissioner, any local superintendent or employee or authorized agent of any of them, while any of those persons is engaged in suppressing or eradicating the Asian longhorn beetle, oak wilt or any public nuisance described in section 11, or whoever knowingly violates any rule, regulation, order or quarantine issued by the commissioner, in writing, relative to the suppression or eradication of public nuisances shall be subject to a civil penalty of not more than \$25,000 for each violation.”; and by inserting before the enacting clause the following emergency preamble:—

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith declare the Asian longhorn beetle and oak wilt public nuisances and to provide penalties for the knowing resistance or obstruction of efforts to suppress or eradicate said public nuisances, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

**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, 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.**

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Resolve providing for an investigation and study by a special commission relative to designating 1,000 great places in the Commonwealth (House, No. 5181),— **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, in concurrence.**

**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 authorizing tax credits for qualified donations of certain land to a public or private conservation agency (see House, No. 5080) [being the text contained in Sections 8, 9, 33 and 36 of the Environmental Bond Bill (see House, No. 5054)] [for message, see House, No. 5079],— **came from the House with an amendment in the form approved by the committee on Bills in the Third Reading as follows:—**

“In section 1, by striking out the following: “(o)” and inserting in place thereof the following: “(p)””; and by adding the following paragraph:

“(9) The secretaries of energy and environmental affairs and of administration and finance, acting jointly and in writing, shall authorize tax credits under this subsection together with section 38Z and chapter 63 in a cumulative amount, including the current year cost of credits allowed in previous years, that shall not exceed \$2,000,000 annually. No credits shall be allowed under this subsection except to the extent authorized as provided in this paragraph. The commissioner of revenue, after consulting those secretaries concerning, among other things, the land conservation objectives of this section, shall adopt regulations governing applications for and other administration of these tax credits.”;

In section 2 by adding the following paragraph:

“(h) The secretaries of energy and environmental affairs and of administration and finance, acting jointly and in writing, shall authorize tax credits under this section together with subsection (p) of section 6 of chapter 62 in a cumulative amount, including the current year cost of credits allowed in previous years, that shall not exceed \$2,000,000 annually. No credits shall be allowed under this section except to the extent authorized as provided in this subsection. The commissioner of revenue, after consulting those secretaries concerning, among other things, the land conservation objectives of this section, shall adopt regulations governing applications for and other administration of these tax credits.”; and

In section 3 by striking out the following: “(o)” and inserting in place thereof, in each instance, the following: “(p)”.

**The message, as amended 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. Moore, and the Governor’s amendment, as amended, was considered forthwith.**

Mr. Panagiotakos presented a motion that the Senate concur in the Governor’s amendment with a further amendment in section 4, by striking out the words “January 1, 2010” and inserting in place thereof the following words “January 1, 2011”.

**The further amendment was adopted.**

**The Governor’s amendment, as amended, was adopted, in concurrence.**

**Sent to the House for concurrence in the further amendment.**

*Reports of Committees.*

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill transfer of a parcel of land in the city of Taunton (Senate, No. 54),— **ought to pass.**

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

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill further regulating the installation of automatic sprinklers (House, No. 4969, amended),— **ought to pass.**

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

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill relative to elevator regulations (House, No. 5175),— **ought to pass.**

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

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 abolishing the North East Solid Waste Committee (see Senate, No. 549, amended) [for message, see Senate, No. 2512], reported, that the amendment recommended by the Governor be considered in the following form:

**By striking out sections 2, 4, 6, 7 and 8.**

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

**The Chair (Mr. Petruccelli) 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. Morrissey, 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.**

#### **PAPERS FROM THE HOUSE.**

##### *Engrossed Bills.*

The following engrossed bills (both of which originated in the House), 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. Petruccelli) and laid before the Governor for his approbation, to wit:

Relative to discharging sewage from marine vessels into waters of the Commonwealth designated as no discharge areas (see House, No. 4805, amended); and

Establishing a sick leave bank for Genevieve O'Brien, an employee of the Trial Court (see House, No. 5186, amended).

The Senate Bill further providing for the financial stability of the city of Springfield (House, No. 5192),— **came from the House passed to be engrossed, in concurrence, with an amendment inserting after section 7 the following:**

“SECTION 7A. Notwithstanding any general or special law to the contrary, the Springfield Finance Board shall, within 60 days of receipt from the inspector general of the report entitled ‘Review of City of Springfield Towing Contract’, study and make recommendations on the feasibility of implementing the improvements proposed in said report. The recommendations shall be filed with secretary of administration and finance and the house and senate committees on ways and means.”.

**The rules were suspended, on motion of Mr. Morrissey, and the House amendment was considered forthwith and adopted, in concurrence.**

##### *Order Adopted.*

On motion of Mr. Moore,—

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

On motion of Mr. Brown, at five minutes before six o'clock P.M., the Senate adjourned to meet on the following day at eleven o'clock A.M.