

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.**

Thursday, March 12, 1998.

Met at twenty-two minutes before two o'clock P.M.

Petitions.

Petitions were presented and referred, as follows:

By Mr. Keating, a petition (subject to Joint Rule 12) of William R. Keating for legislation relative to indemnity of probation and court officers; and

By Mr. Rauschenbach, a petition (subject to Joint Rule 12) of Henri S. Rauschenbach and Mark C. Montigny that provision be made for an investigation and study by a special commission (including members of the General Court) relative to the issues involved with physician practice management groups;

Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Report of a Committee.

Mr. Berry, for the committee on Steering and Policy, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill prohibiting motor vehicle insurance companies from directing insureds to specific auto glass companies for repair of vehicles (House, No. 3466).

Papers from the House.

Bills

Relative to the taxation of certain retirement accounts (House, No. 5374,— on House, No. 5256);

Establishing a sick leave bank for Doreen Edwards, an employee of the Trial Court (House, No. 5376,— on House, No. 4945, in part); and

Relative to providing a new salary schedule for certain judicial positions in the Commonwealth (House, No. 5379, printed as amended,— on House, No. 3248);

Were severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

A Bill creating the crime of criminal solicitation (House, No. 5324,— on Senate, No. 169 and House, Nos. 1457 and 1655),—
was read and, under Senate Rule 26, referred to the committee on Steering and Policy.

Orders of the Day.

The Orders of the Day were considered, as follows:

The House bills

Relative to the taxation of certain property of resident owners of cooperative housing corporations (House, No. 1842, amended);

Authorizing the city of Brockton to enter into contracts for the operation and maintenance, lease or sale and modifications of the wastewater and water treatment facilities plant, sewer and pump stations (House, No. 4459);

Relative to the Nantucket historic district commission (House, No. 4653);

Relative to the annual observance of Robert Goddard Day (House, No. 4895); and

Relative to senior citizens real estate tax reductions (House, No. 5041);

Were severally read a second time and ordered to a third reading.

The Senate Bill providing for the annual observance of March 8 as Lucy Stone Day (Senate, No. 1451) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The Senate Bill designating the city of Worcester as the birthplace of Robert Goddard, the father of modern rocketry (Senate, No. 1633) (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 bills

Establishing a traffic commission in the city of Melrose (House, No. 4793); and
Authorizing the Division of Capital Planning and Operations to convey certain land in the city of Boston (House, No. 2396);
Were severally read a third time and passed to be engrossed, in concurrence.

The House Bill relative to the conveyance of a certain parcel of land in the city of Lowell (House, No. 3131),— **was read a third time and passed to be engrossed, in concurrence.**

Sent to the House for concurrence in the amendment previously adopted by the Senate.

The Senate Bill relative to the order of certain persons on eligible lists for appointment as a firefighter or police officer (Senate, No. 2087),— was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Joyce moved that the bill be amended by adding at the end thereof the following section:

"SECTION 2. This act shall take effect as of January 1st, 1997."

The amendment was adopted.

An amendment, presented by Ms. Jacques, that the bill be further amended by deleting lines 21-25 and inserting in place thereof the following: "while in the performance of his duties was killed or sustained injuries which resulted in his death.", was read and adopted.

The bill (Senate, No. 2087, as amended) was then ordered to a third reading.

The House Bill relative to fire departments (House, No. 990, amended),— was read a second time.

After debate on the question on ordering the bill to a third reading, on motion of Mr. Lees, the further consideration thereof was postponed until Thursday, March 26.

The Senate Bill authorizing the issuance of two additional licenses for the sale of all alcoholic beverages to be drunk on the premises in the town of Bellingham (Senate, No. 1992) (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. Moore moved that the bill be amended by adding the following section:

"SECTION 2. This act shall take effect upon its passage."

The amendment was adopted.

The bill, as amended, was then passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill relative to hiring of women employed in certain trades on state funded construction projects (Senate, No. 2138) (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, Ms. Wilkerson, Mr. Rosenberg, Ms. Pines and Mr. Keating moved that the bill be amended by substituting a new draft entitled: "An Act relative to hiring women on construction projects." (Senate, No. 2142). After debate, the amendment was adopted.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at six minutes past two o'clock P.M., on motion of Ms. Wilkerson, as follows, to wit (yeas 36 — nays 0):

YEAS.

Amorello, Matthew J.

Antonioni, Robert A.

Bernstein, Robert A.

Berry, Frederick E.

Brewer, Stephen M.

Clancy, Edward J., Jr.

Creedon, Robert S., Jr.

Durand, Robert A.

Fargo, Susan C.

Havern, Robert A.

Hedlund, Robert L.

Jajuga, James P.

Joyce, Brian A.

Knapik, Michael R.

Lees, Brian P.

Lynch, Stephen F.

Magnani, David P.

Melconian, Linda J.

Montigny, Mark C.

Moore, Richard T.

Morrissey, Michael W.

Murray, Therese

Nuciforo, Andrea F., Jr.

O'Brien, John D.

Pacheco, Marc R.

Panagiotakos, Steven C.

Keating, William R.
Rosenberg, Stanley C.
Shannon, Charles E.
Tarr, Bruce E.
Tisei, Richard R.

Pines, Lois G.
Tolman, Warren E.
Travaglini, Robert E.
Walsh, Marian
Wilkerson, Dianne

— 36.

NAYS. — 0

ABSENT OR NOT VOTING.

Jacques, Cheryl A.
Norton, Thomas C.

Rauschenbach, Henri S.

— 3.

**Ms. Melconian in the Chair, the yeas and nays having been completed at eleven minutes past two o'clock P.M., the bill (Senate, No. 2142) was passed to be engrossed.
Sent to the House for concurrence.**

The President in the Chair, the House Bill making appropriations for the fiscal year 1998 to provide for certain collective bargaining agreements, for supplementing certain existing appropriations and certain other activities and projects (House, No. 5300),— was read a third time.

After debate on the question on passing the bill to be engrossed, Mr. Shannon moved to amend the bill in section 17, in item 7003-0601, by adding the following words:— "provided further, that not less than \$97,000 shall be paid to the city of Somerville for a youth-at-risk summer program".

The amendment was *rejected*.

Mr. Shannon moved to amend the bill by inserting after section 43 the following section:—

"SECTION 43A. The metropolitan district commission may undertake and provide for renovations and improvements to the Dilboy complex, so-called, in the city of Somerville pursuant to item 2440-0010 of section 2 of chapter 43 of the acts of 1997; provided, that notwithstanding the provisions of any general or special law or rule or regulation to the contrary, with respect to all activities required for the purposes of this item, including procurement and contract management, all authorities and responsibilities usually belonging to the division of capital planning and operations shall belong solely to the commission; provided further, that the commission shall conduct all such activities in a manner consistent with the best interests of the commonwealth and according to sound business practice; and provided further, that the commission shall file bimonthly reports with the house and senate committees on ways and means detailing the status of all renovations and improvements authorized by this item."

After remarks, the amendment was adopted.

Ms. Walsh moved to amend the bill by inserting after section 6 the following section:—

"SECTION 6B. Section 57 of chapter 218 of the General Laws, as so appearing, is hereby amended by inserting after line 22, the following line:— the Chelsea division of the district court department,.

After remarks, the amendment was adopted.

Mr. Lees moved to amend the bill by inserting before item 1599-3833 the following item:

"1599-xxxx

For the purpose of repairing and maintaining park facilities in the city of Springfield associated with the Time Out for Communities program
.....500,000".

The amendment was *rejected*.

Mr. Lees moved to amend the bill by inserting after section 29 the following three sections:—

"SECTION 29A. Section 1 of chapter 175 of the acts of 1997 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:—

Notwithstanding the provisions of sections 40F to 40I, inclusive, of chapter 7 of the General Laws, the division of capital planning and operations shall convey by deed, for consideration in accordance with the procedure described in section 6, land used for open space with the buildings thereon located in the town of Wilbraham under the control of the division of fisheries and wildlife and commonly known as the Wilbraham Game Farm, hereinafter referred to as the property, for use as a public park for recreation, conservation, education, agriculture, including agricultural fairs, and wildlife management purposes, under such use

restrictions and environmental protection requirements provided in this act.

SECTION 29B. Clause (3) of section 6 of said chapter 175 is hereby amended by striking out subclause (iv) and inserting in place thereof the following subclause:—

(iv) the property shall be managed and administered to the extent applicable in accordance with the use guidelines adopted by said town of Wilbraham at its annual town meeting of May 1, 1995, including the provisions relating to the annual peach festival, and such use and environmental restrictions as are set forth in section 1 to 4, inclusive.

SECTION 29C. Said chapter 175 is hereby further amended by striking out section 7 and inserting in place thereof the following section:—

Section 7. Upon completion of the conveyance, the owner shall establish a public park in accordance with the vote of the town of Wilbraham annual town meeting of May 1, 1995, to the extent applicable, to be managed and administered in accordance with the use guidelines adopted by said annual town meeting of May 1, 1995, to the extent applicable, and such use and environmental restrictions as are set forth in section 1 to 4, inclusive; provided, however, that said use guidelines may be amended in substance not inconsistent with the provisions of this act and in the manner applicable to the amendment of zoning by-laws; provided further, that any revenues accruing to the owner derived from any use or activity on the property may be used solely to further the purposes and uses of the property set forth in section 1 and such revenues shall not inure to the private benefit of any other person or organization; provided further, that should the property be used or managed by the owner not in accordance with such uses and environmental restrictions as are set forth in said sections 1 to 4, inclusive, and the owner not have cured any noncompliant uses within 30 days of receipt of written notice by ten taxable inhabitants of said town of Wilbraham or should the owner determine that it no longer capable or willing to perform its obligations under this act, title to said property shall pass to said town of Wilbraham to be used for open space in accordance with such uses and environmental restrictions as are set forth in said sections 1 to 4, inclusive, but said town shall not be liable for any acts, omissions or occurrences arising prior to passing of title; and provided further, that should the property, following such transfer of title to said town, be used or managed by said town not in accordance with such uses and environmental restrictions as are set forth in said sections 1 to 4, inclusive, and the town not having cured any noncompliant uses within 30 days of receipt of written notice by ten taxable inhabitants of the town, title to said property shall revert to the care and control of the division of capital planning and operations and any further disposition of said property shall be subject to the provisions of section 40E to 40J, inclusive, of chapter 7 of the General Laws. The superior court shall have jurisdiction over any claims that the property is not used or managed in accordance with such uses and environmental restrictions as are set forth in said sections 1 to 4, inclusive. Notwithstanding the provisions of any general or special law to the contrary, the owner shall be deemed not to be a state or municipal agency by virtue of the duties, restrictions or activities imposed or authorized by this section."

After remarks, the amendment was adopted.

Mr. Knapik moved to amend the bill by inserting after section 10 the following two sections:—

"SECTION 10A. Item 4190-0100 of section 2 of chapter 43 of the acts of 1997 is hereby amended by adding the following words:— provided, not less than \$75,000 shall be expended for the purchase of prescription drugs to stock an outpatient pharmacy'.

SECTION 10B. Said item 4190-0100 of said section 2 of said chapter 43 is hereby further amended by striking out the figure \$13,108,171' and inserting in place thereof the following figure:— \$13,183,171'."; and

By inserting after section 43 the following section:—

"SECTION . Notwithstanding the provisions of any law to the contrary, the Soldiers' Home in Holyoke is hereby authorized to establish an outpatient pharmacy, which shall dispense such pharmaceuticals as are included in the institution's formulary to registered patients of the Soldiers' Home outpatient department in accordance with prescriptions issued by a physician on the medical staff of said soldiers' home. Such outpatient pharmacy shall be established and maintained in accordance with all applicable state and federal laws and regulations. Said Soldiers' Home is authorized to require payment for such services in the form of a co-payment annually established by the superintendent and by the office of health and human services applicable to each prescription dispensed. All such monies shall be deposited into the retained revenue account of said soldiers' home to be used solely for the purpose of maintaining the outpatient pharmacy service."

The amendment was *rejected*.

Mr. Knapik moved to amend the bill by inserting after section 6 the following section:—

"SECTION 6C. Item 7506-7962 of section 2 of chapter 267 of the acts of 1995 is hereby amended by adding the following words:— ; and provided further, that notwithstanding the provisions of chapter 7 of the General Laws or any other general or special law to the contrary, the commissioner of capital planning and operations may employ the designer employed to prepare the study for said gymnasium/athletic and fitness facility to prepare the plans and specifications for said facility'."

The amendment was adopted.

Mr. Moore moved to amend the bill by inserting after section 4 the following two sections:—

"SECTION 4B. Subsection (e) of section 2 of chapter 62, as so appearing, is hereby amended by striking out the words Part C adjusted gross income shall be the Part C gross income comprised of the following classes as adjusted:' and inserting in place thereof the following words:—

(1) Part C adjusted gross income shall be the Part C gross income comprised of the following classes as adjusted, less the deduction provided in paragraph (2).

(2) Any excess of the deductions allowable under subsection (d) over the sum of (I) the Part B gross income; and (ii) that portion of the Part A gross income which is effectively connected with the active conduct of a trade or business of the taxpayer; provided, however, that the amount deductible hereunder shall not exceed the amount of Part C gross income which is effectively

connected with the active conduct of a trade or business of the taxpayer.";

"SECTION 4A. The last sentence of the second paragraph of section 1 of chapter 62 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by adding the following words:— ; and provided further, that loss from the sale or exchange of a capital asset shall be taken into account only to the extent that such loss is allowed as a federal deduction under section one hundred and sixty-five of the Code'; and

By adding the following section:

SECTION 45. Sections 4A and 4B shall be effective for the taxable years beginning on or after January 1, 1996."

The amendment was *rejected*.

Mr. Pacheco moved to amend the bill in section 29, by inserting after the words "any other costs" the following words:— ", including the costs of personnel."

After remarks, the amendment was adopted.

Messrs. Berry and Antonioni moved to amend the bill by inserting after section 43 the following section:—

"SECTION . Notwithstanding the provisions of any general or special law to the contrary, the Massachusetts office of business development, the Massachusetts Community Development Finance Corporation, the Massachusetts Corporation for Business, Work and Learning, the department of economic development and any other appropriate state economic development agency or office shall assist the town of Danvers and the city of Fitchburg, in a task force approach, in order to limit the impact of job and tax loss due to the recently announced closures of the Osram Sylvania light bulb plant and the General Electric plant, so-called, in their respective communities."

After remarks, the amendment was adopted.

Subsequently, there being no objection, on motion of Mr. Moore, the Senate considered no action having been taken on the amendment.

Messrs. Berry, Antonioni and Moore then presented the following redrafted amendment:

Messrs. Berry, Antonioni and Moore moved to amend the bill by inserting after section 43 the following section:—

"SECTION 43B. Notwithstanding the provisions of any general or special law to the contrary, the Massachusetts office of business development, the Massachusetts Community Development Finance Corporation, the Massachusetts Corporation for Business, Work and Learning, the department of economic development, and other appropriate state economic development agency or office shall assist the town of Danvers, the town of Webster and the city of Fitchburg, in a task force approach, in order to limit the impact of job and tax loss due to the recently announced closures of the Osram Sylvania light bulb plant, the General Electric plant, so-called, and the Anglo Fabrics plant, so-called, in their respective communities."

The amendment was adopted.

Messrs. Berry and Antonioni moved to amend the bill by striking out section 20 and inserting in place thereof the following section:—

"SECTION 20. Said section 2 of said chapter 43 is hereby further amended by striking out item 7007-0350 and inserting in place thereof the following item:

7007-0350

For the purpose of a state matching grant to the Massachusetts Manufacturing Partnership upon its receipt of federal funds from the National Institute of Standards and Technology of the Department of Commerce to support the creation of or assistance to manufacturing extension services, alternative deployment pilot projects, technology access programs and other technology deployment programs; provided, that no funds shall be expended from this item prior to the receipt of federal funds; provided further, that said Massachusetts Manufacturing Partnership shall provide services to workers who have been displaced as a result of the closing of the Osram Sylvania plant, so-called, in the town of Danvers and as a result of the closing of the General Electric plant in the city of Fitchburg; and provided further that said partnership shall provide written notification to the house and senate committees on ways and means within ten days of receiving confirmation of all federal funding commitments

.....912,594".

General Fund.....94.92%

Commonwealth Economic Development Fund.....5.08%.

The amendment was adopted.

Subsequently, there being no objection, on motion of Mr. Moore, the Senate considered no action having been taken on the amendment.

Messrs. Berry, Antonioni and Moore then presented the following redrafted amendment:

Messrs. Berry, Antonioni and Moore moved to amend the bill by striking out section 20 and inserting in place thereof the following section:—

Section 20. Said section 2 of said chapter 43 is hereby further amended by striking out item 7007-0350 and inserting in place thereof the following item:

7007-0350

For the purpose of a state matching grant to the Massachusetts Manufacturing Partnership upon its receipt of federal funds from the National Institute of Standards and Technology of the Department of Commerce to support the creation of or assistance to manufacturing extension services, alternative deployment pilot projects, technology access programs and other technology deployment programs; provided, that no funds shall be

expended from this item prior to the receipt of federal funds; provided further, that said Massachusetts Manufacturing Partnership shall provide services to workers who have been displaced as a result of the closing of the Osram Sylvania plant, so-called, in the town of Danvers, as a result of the closing of the Anglo Fabrics in the town of Webster and as a result of the closing of the General Electric plant in the city of Fitchburg; and provided further that said partnership shall provide written notification to the house and senate committees on ways and means within ten days of receiving confirmation of all federal funding commitments

.....912,594".
General Fund.....94.92%
Commonwealth Economic Development Fund.....5.08%.

The amendment was adopted.

Mr. Jajuga moved to amend the bill in section 19, in item 7003-0901, by adding the following proviso:— "; provided further, that \$25,000 shall be provided in fiscal year 1999 for the Summer Nights program in the city of Haverhill;" and, in said section by striking out the figure "1,650,000" and inserting in place thereof the following figure:— 1,675,000.

The amendment was adopted.

Messrs. Jajuga and Tarr moved to amend the bill by adding the following two sections:—

"SECTION . Notwithstanding the provisions of any general or special law to the contrary, in order to implement its school building and renovation program, the Triton Regional School District, in addition to the prequalification requirements pursuant to section 44D of chapter 149 of the General Laws, establish and impose a requirement that only contractors and subcontractors with a workers' compensation experience modification factor, as promulgated by the workers' compensation rating bureau, of 125% or less shall be eligible to submit a bid or offer; provided, however, that any contractor or subcontractor with a modification factor of up to 135% shall be eligible to submit a bid or offer, if that modification factor was caused by a single loss. The school building and renovation program of the Triton Regional School District shall not be subject to the provisions of section 44F of chapter 149 of the General Laws. For the purposes of this act, the words school building and renovation program' shall mean the design, construction, renovation, and equipping of schools within the Triton Regional School District to accommodate students in grades seven through twelve and the renovation or demolition of any structures at any of the existing sites at said schools.

SECTION . Notwithstanding any general or special law to the contrary, the Triton Regional School District may employ alternative methods of procurement of design and construction services, including design build, for the design and construction of the sewer treatment facility located at the Triton Regional High School."

The amendment was *rejected*.

Messrs. Jajuga and Tarr moved to amend the bill by adding the following section:—

"SECTION . Notwithstanding the provisions of any general or special law to the contrary, no funds from any item appropriated to or collected by the department of social services, the department of youth services, the department of mental health or the department of education shall be expended within one year of the effective date of this act for any purposes that would result in the provision of treatment and housing for youthful sexual offenders or those that have been categorized by any of said departments as at-risk of becoming a sexual offender that requires the expansion or reconfiguration of any private non-profit facility, currently funded by any of said departments, that does not currently house and treat adjudicated youthful sexual offenders."

The amendment was *rejected*.

Mr. Jajuga moved to amend the bill in section 2, in item 8000-0110, by striking out the figure "62,000" and inserting in place thereof the following figure:— "461,016".

After debate, the amendment was adopted.

Mr. Rauschenbach presented an amendment to amend the bill inserting after section 8 the following 4 sections:—

"SECTION 8A. Item 2330-0100 of said section 2 of said chapter 43 of the acts of 1997, is hereby amended by inserting after the words Cape Cod Economic Development Council' the following words:— Inc., or its successors.

SECTION 8B. Item 7007-0300 of said section 2 of said chapter 43 of the acts of 1997, is hereby amended by inserting after the words Cape Cod Economic Development Council' the following words:— Inc., or its successors.

SECTION 8C. Item 6033-9518 of chapter 273 of the acts of 1994 is hereby amended by inserting after the words Cape Cod Economic Development Council' the following words:— Inc., or its successors.

SECTION 8D. Section 77 of chapter 273 of the acts of 1994 is hereby amended by inserting after the words Cape Cod economic development council', each time they appear, the following words:— Inc., or its successors"; and by adding the following section:—

"SECTION 8E. Notwithstanding any general or special law or regulation to the contrary, whenever the term Cape Cod Economic Development Council' has been or is used in any statute, regulation, chapter, bylaw or ordinance, that term shall now be taken to mean Cape Cod Economic Development Council, Inc., or its successors'."

The amendment was adopted.

Mr. Rauschenbach presented an amendment inserting after section 4 the following two sections:—

"SECTION 4A. The eighth paragraph of section 2 of chapter 90 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out, in lines 283-284, the words eighty percent to the Cape Cod Economic Development Council' and inserting in place thereof the following words:— 40 per cent to the Barnstable county commissioners, 40 per cent to the Cape Cod Economic Development Council, Inc., or its successors.

SECTION 4B. Said eighth paragraph of said section 2 of said chapter 90, as so appearing, is hereby further amended by striking out, in lines 286-90, the words and provided further that twice annually the Cape Cod Economic Development Council and the Lower Cape Community Development Corporation shall furnish to the Barnstable county commissioner a full accounting of the expenditures of said funds', and inserting in place thereof the following words:— and provided further, that twice annually the Lower Cape Community Development Corporation shall furnish to the Barnstable county commissioners a full accounting of the expenditures of said funds; and provided further, that the Cape Cod Economic Development Council, Inc., or its successors shall report twice annually to the department of economic development on the nature of all activities taken and to be taken during the previous and subsequent six months, including a list of all companies assisted, the number of jobs created and retained, a description of all programs offered and attendance at said programs, a description of travel and tourism initiatives, and any other documents or information requested by the department, and, once annually file with the department of economic development and the office of the state auditor a certified financial audit by a certified public accountant; the department of economic development is authorized to suspend, by written notice to the registrar, the transfer of funds to the Cape Cod Economic Development Council, Inc., or its successors in the event that it determines that there are any questioned costs or inappropriate use of funds, until such matters are resolved to the satisfaction of the department of economic development."

The amendment was adopted.

Mr. O'Brien moved to amend the bill in section 2A, in item 7004-3041, by adding the following words:—

"For the purpose of making available in fiscal year 1999 balances of this appropriation contained in line item 7004-3041 of section 2A, which otherwise would revert on June 30, 1998, the unexpended balance of the amount contained in said line item is hereby reappropriated for the purposes of and subject to the conditions stated of the general appropriations act for fiscal year 1999; provided however, that should this item not appear in section 2A of said general appropriation act, the amounts in this section are reappropriated for the purposes of and subject to the conditions stated for the corresponding item in section 2 or 2A of this act or in prior appropriation acts."

After remarks, the amendment was adopted.

Mr. O'Brien moved to amend the bill in section 2, in item 7004-1996, by adding the following words:—

"For the purpose of making available in fiscal year 1999 balances of this appropriation contained in line item 7004-1996 of section 2, which otherwise would revert on June 30 1998, the unexpended balance of the amount contained in said line item is hereby reappropriated for the purposes of and subject to the conditions stated of the general appropriations act for fiscal year 1999; provided however, that should this item not appear in section 2 of said general appropriation act, the amounts in this section are reappropriated for the purposes of and subject to the conditions stated for the corresponding item in section 2 or 2A of this act or in prior appropriation acts."

The amendment was adopted.

Mr. Brewer moved to amend the bill by inserting after section 6 the following section:—

"SECTION 6A. The first paragraph of section 57 of said chapter 218 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out, under the caption Franklin and Hampshire Counties the first and second subparagraphs and inserting in place thereof the following four subparagraphs:—

held at Greenfield, within the same territorial limits as are prescribed for the criminal jurisdiction of the Greenfield division of the district court department, as the chief justice of juvenile court may determine.

held at Northampton, within the same territorial limits as are prescribed for criminal jurisdiction of the Northampton division of the district court department, as the chief justice of the juvenile court may determine.

held at Orange, within the same territorial limits as are prescribed for the criminal jurisdiction of the Orange division of the district court department, as the chief justice of the juvenile court may determine.

held at Ware, within the same territorial limits as are prescribed for the criminal jurisdiction of the Ware division of the district court department, as the chief justice of the juvenile court may determine."

After remarks, the amendment was adopted.

Mr. Brewer moved to amend the bill by inserting after section 28 the following section:—

"SECTION 28A. Chapter 48 of the acts of 1997 is hereby amended by inserting after section 26 the following two sections:—

Section 26A. Notwithstanding the provisions of any general or special law to the contrary, cities and towns within Hampden county shall be deemed to have accepted the provisions of section 147A of chapter 140 of the General Laws, and shall enact by-laws to provide for the functions performed by said county with respect to dogs pursuant to sections 136A to 174D, inclusive, of said chapter 140, as of July 1, 1998. The balance of funds remaining in the dog fund, so-called, of Hampden county as of July 1, 1998 shall be disbursed on said date by the state treasurer in the manner prescribed by section 172 of said chapter 140 to the treasurer of each city and town within said Hampden county, who shall maintain a separate dog fund consistent with the by-laws adopted by said cities and towns and sections 136A to 174D, inclusive, of said chapter 140.

Section 26B. Notwithstanding the provisions of any general or special law to the contrary, cities and towns within Worcester county shall be deemed to have accepted the provisions of section 147A of chapter 140 of the General Laws, and shall enact by-laws to provide for the functions performed by said county with respect to dogs pursuant to sections 136A to 174D, inclusive, of said chapter 140, as of July 1, 1998. The balance of funds remaining in the dog fund, so-called, of Worcester county as of July 1, 1998 shall be disbursed on said date by the state treasurer in the manner prescribed by section 172 of said chapter 140 to the treasurer of each city and town within said Worcester county, who shall maintain a separate dog fund consistent with the by-laws adopted by said cities and towns and sections 136A to 174D, inclusive, of said chapter 140."

After remarks, the amendment was adopted.

Mr. Tolman moved to amend the bill by inserting at the end thereof the following new section:—

"SECTION . There is hereby established a special commission which shall study the impact of area code changes on Massachusetts consumers, residential and business, and make recommendations to protect consumers from future financial burdens associated with unnecessary area code changes. The study shall include, but not be limited to, number conservation, number pooling, initiatives to implement number conservation measures, statewide audits of the utilization by telecommunication carriers of nxx codes by an independent auditor, impacts on computer software and the north American dialing standard, and number administration policies.

The members of the commission shall be the attorney general of the commonwealth or his designee, the secretary of consumer protection or his designee, the secretary of economic affairs or his designee, the director of the division of telecommunications of the department of regulated industries, the house and senate chairs of the joint committee on taxation, the house and senate chairs of the joint committee on government regulations, a representative of the Massachusetts software council, a representative of the Massachusetts telecommunications council, and a representative of the Massachusetts public interest research group. Said commission shall report the results of its study by filing the same, including any proposed legislation, with the clerks of the senate and house of representatives and with the governor on or before July 1, 1998."

The amendment was *rejected*.

Subsequently, there being no objection, on motion of Mr. Tolman, the Senate considered no action having been taken on the amendment.

Mr. Tolman then presented the following redrafted amendment:

Mr. Tolman moved to amend the bill by adding the following section:—

"SECTION 44. There is hereby established a special commission which shall study the impact of area code changes on Massachusetts consumers, residential and business, and make recommendations to protect consumers from future financial burdens associated with unnecessary area code changes. The study shall include, but not be limited to, number conservation, number pooling, initiatives to implement number conservation measures, statewide audits of the utilization by telecommunication carriers of nxx codes by an independent auditor, impacts on computer software and the north American dialing standard, and number administration policies.

The members of the commission shall be the attorney general or his designee, the secretary of consumer protection or his designee, the secretary of economic affairs or his designee, the director of the division of telecommunications of the department of regulated industries, the house and senate chairs of the joint committee on government regulations, a representative of the Massachusetts software council, a representative of the Massachusetts Telecommunications Council, and a representative of the Massachusetts Public Interest Research Group. Said commission shall report the results of its study by filing the same, including any proposed legislation, with the clerks of the senate and house of representatives and with the governor on or before October 1, 1998."

The amendment was adopted.

Ms. Walsh moved to amend the bill, in section 2, by inserting after item 8000-0110, the following item:

"Board of Building Regulations and Standards.

8000-0161.....28,500".

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at one minute past three o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 35 — nays 0):

YEAS.

Amorello, Matthew J.

Antonioni, Robert A.

Bernstein, Robert A.

Berry, Frederick E.

Brewer, Stephen M.

Clancy, Edward J., Jr.

Creedon, Robert S., Jr.

Durand, Robert A.

Fargo, Susan C.

Havern, Robert A.

Hedlund, Robert L.

Melconian, Linda J.

Montigny, Mark C.

Moore, Richard T.

Morrissey, Michael W.

Murray, Therese

Nuciforo, Andrea F., Jr.

O'Brien, John D.

Pacheco, Marc R.

Panagiotakos, Steven C.

Pines, Lois G.

Rosenberg, Stanley C.

Jajuga, James P.
Joyce, Brian A.
Keating, William R.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.

Shannon, Charles E.
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Warren E.
Walsh, Marian
Wilkerson, Dianne

— 35.

NAYS. — 0

ABSENT OR NOT VOTING.

Jacques, Cheryl A.
Norton, Thomas C.

Rauschenbach, Henri S.
Travaglini, Robert E.

— 4.

The yeas and nays having been completed at eight minutes past three o'clock P.M., the amendment was adopted.
Mr. Rauschenbach presented an amendment in item 7004-3041 by inserting after the words "the acts of 1993" the following words:— "; provided further, that \$150,000 shall be expended for the funding of a pilot program in the town of Falmouth to be administered by the Falmouth housing authority using nontraditional, cost effective methods of maintenance including, but not limited to, prison labor, to revitalize and redevelop elderly public housing."

The amendment was *rejected*.

Mr. Lynch moved to amend the bill by inserting after section 7 the following two sections:—

"SECTION 7A. Item 0332-6700 of said section 2 of said chapter 43 is hereby amended by adding the following: ", provided, that two head procedures clerk and one procedures clerk I shall be appointed and funded from this item in fiscal year 1998; provided further, that said head procedures clerks and procedures clerk I shall not be subject to subparagraphs (a) and (b) of clause (xxiii) of the third paragraph of section 9 of Chapter 211B of the General Laws.

SECTION 7B. Said item 0332-6700 of said section 2 of said chapter 43 is hereby further amended in said section by striking out the figure \$1,042,433' and inserting in place thereof the following figure:— \$1,090,433'."

The amendment was *rejected*.

Messrs. Lynch and Travaglini moved to amend the bill by striking out section 19 and inserting in place thereof the following section:—

"SECTION 19. Said section of said chapter 43 is hereby further amended by striking out item 7003-0901 and inserting in place thereof the following new item:

XXXX-XXXX

For a summer jobs youth-at-risk program; provided, that no funds appropriated herein shall be allotted or disbursed prior to the receipt of equal matching funds from private sources to any entity or municipality eligible for or requesting funds from this item; provided further, that an allotment and disbursement plan shall be submitted to the house and senate committees on ways and means prior to the expenditure of any funds appropriated herein; provided further, that not more than \$2,325,000 of the amount appropriated herein shall be expended prior to June 1, 1998; and provided further, that expenditures made from this item shall be structured so that funding provided herein shall not annualize to an amount greater than \$2,325,000 in fiscal year 19994,650,000".

The amendment was *rejected*.

Mr. Lynch moved to amend the bill by inserting after section 43 the following section:—

"SECTION 43C. The proposed Sanitary/Bathhouse, as referenced in section 4.3.3 of the Plan for the Future of Boston Harbor Beaches, Dorchester Shores Beach Restoration Program, Savin Hill/ Inner Malibu, Dorchester, Massachusetts, Interim Assessment', December 22, 1997, EOE A No. 10113, shall hereafter be known as The Robert F. O'Sullivan, Sr. memorial bathhouse'."

After remarks, the amendment was adopted.

Mr. Lynch moved to amend the bill by inserting after section 13 the following section:—

"SECTION 13A. Item 4512-0200 of said section 2 of said chapter 43 is hereby amended by striking out the words further, that \$180,000 shall be expended for the establishment of a pilot adolescent' and inserting in place thereof the following words:—

further, that \$310,000 shall be expended for the establishment of a pilot adolescent' and in said item 4512-0200 by striking out the figure \$41,861,532' and inserting in place thereof the following figure:— \$41,991,532'."

The amendment was *rejected*.

Ms. Pines moved to amend the bill in section 2 by inserting after item 8100-0007 the following item:

"8200-0200262,295".

The amendment was *rejected*.

Mr. Morrissey moved to amend the bill by striking out section 6.

The amendment was adopted.

Subsequently, there being no objection, on motion of Ms. Melconian, the Senate considered no action having been taken on this amendment.

The amendment was further considered; and it was *rejected*.

Mr. Magnani moved to amend the bill by inserting after section 43 the following section:—

"SECTION 43D. Notwithstanding the provisions of item 1790-0108 of section 2A of this act or any other general or special law to the contrary, the executive office of administration and finance is hereby directed to correct date-handling logic problems and the year 2000 problem, so-called, in the commonwealth's computing systems in accordance with the provisions of this section. Each public entity in the commonwealth shall ensure that its information technology systems are year 2000 compliant. The chief information officer, designated in section 4A of chapter 7 of the General Laws, is hereby authorized to coordinate and oversee the year 2000 compliance efforts of the executive departments. All executive departments shall cooperate to the fullest extent with said chief information officer and shall provide him, or his designees, with such information and reports as he may require. Said chief information officer is hereby further authorized to review technical budgets for the year 2000 compliance and remediation efforts of executive departments, regardless of whether such efforts are funded with capital, operating, federal or trust funds. Said chief information officer is hereby also authorized to establish such year 2000 compliance and validation standards as he deems appropriate.

The information technology division of the executive office of administration and finance shall report quarterly to the house and senate committees on science and technology and to the house and senate committees on ways and means the progress being made to address the year 2000 problem and the degree to which funds expended pursuant to item 1790-0108 are appropriate and not duplicative of expenditures made with funds from other sources."; and by adding the following section:—

"SECTION 45. Section 43D shall take effect upon the passage of this act and shall expire on January 1, 2001."

The amendment was adopted.

Mr. Keating moved to amend the bill by inserting after section 7 the following section:—

"SECTION 7A. Item 1102-3206 of said section 2 of said chapter 43 is hereby amended by striking out the figure 1,180,000' and inserting in place thereof the following figure:— 1,200,000'; and by inserting after section 25 the following section:—

"SECTION 25A. Section 254 of said chapter 43 is hereby amended by inserting after the words town of Plainville' the following words:— , and \$20,000 shall be obligated and expended for planning and design assistance regarding the development of a senior center in the town of Stoughton."

The amendment was *rejected*.

Mr. Keating moved to amend the bill by inserting after section 16 the following section:—

"SECTION 16A. Said section 2 of said chapter 43 is hereby further amended by striking out item 6030-7221 and inserting in place thereof the following item:

6030-7221

For the cost of sand, salt and other control chemicals used for the purpose of snow and ice control; provided, that no funds appropriated herein shall be used for hired or leased equipment, overtime costs or vehicle repair related to snow and ice control; provided further, that \$100,000 shall be spent for a municipal salt shed to protect well sites in the town of Walpole

.....5,159,512".

The amendment was *rejected*.

Mr. Keating moved to amend the bill, by inserting after section 30 the following two sections:—

"SECTION 30A. Item 2000-1110 of said section 2A of said chapter 226 is hereby amended by inserting after the words South Sagamore Water District' the following words:— provided further, that notwithstanding the provisions of any general or special law or rule or regulation to the contrary, that \$25,000 be expended for a technical assistance grant to alleviate the contamination of groundwater related to the aquifer north of Lake Mirimichi in the town of Foxboro.

SECTION 30B. Said item 2000-1110 of said section 2A of said chapter 226 is hereby further amended by striking out the figure 2,304,000' and inserting in place thereof the following figure:— 2,329,000."

The amendment was *rejected*.

Mr. Keating moved to amend the bill in item 6037-0010 in section 2A by adding the following proviso:— "; provided further, that the department of highways shall construct a pedestrian sidewalk along the southbound side of state highway route 1 in the town of Walpole, approximately 3,000 feet in length, north of Water and North Streets."

The amendment was *rejected*.

Mr. Keating moved to amend the bill in item 6037-0010 in section 2A by adding the following proviso:— "; provided further, that the department of highways shall install a traffic light at the intersection of state highway route 27 and Turnpike street in the

town of Stoughton."

The amendment was *rejected*.

Mr. Morrissey moved to amend the bill by inserting after section 6 the following section:—

"SECTION . Section 47D of chapter 164 of the General Laws, inserted by section 197 of chapter 164 of the Acts of 1997, is hereby amended by striking out the words, chapter 39 only in those' and inserting in place thereof the following words:— chapter 39 in those."

Mr. Antonioni moved to amend the bill by inserting after section 43 the following section:—

"SECTION 43E. Notwithstanding the provisions of any general or special law to the contrary, the University of Massachusetts Building Authority may undertake a project with respect to the Earle P. Charlton building at the University of Massachusetts at Dartmouth and to have sole control over said project; provided, however, that said project shall be exempt from the provisions of sections 38A½ to 38O, inclusive, of chapter 7 of the General Laws, section 39M of chapter 30 of the General Laws, section 44A to 44J, inclusive, of chapter 149 of the General Laws, or any other general or special law or rule or regulation relating to the advertising or bidding of design, construction, reconstruction, renovation, repair or improvement of public property but shall be subject to the provisions of sections 26 to 27D, inclusive, of said chapter 149. No state appropriations or state bond proceeds shall be expended for the purposes of the Charlton Building Project. The provisions of this section shall survive the expiration of this fiscal year."

After remarks, the amendment was adopted.

Mr. Nuciforo moved to amend the bill in section 32, by striking out, in lines 5 and 6, the words "using the costs of any year or years which said division, at its discretion and after public hearing" and inserting in place thereof the following words:— "by using reasonable costs, which said division after public hearing".

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill in section 32, by inserting after the words "February 1, 1998", in line 15, the following words:— "; provided further, that such rate for any nursing facility shall not be less than the facility's 1996 cost, adjusted by 1996 industry costs and case mix, and further adjusted by the inflation factor as determined by the division of health care finance and policy".

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill, in section 32, by inserting after the words "February 1, 1998", in line 15, the following words:— "; provided further that such rate for any nursing facility shall not be less than the facility's 1996 cost, adjusted by 1996 industry costs and case mix, and further adjusted by an inflation factor of 5.12 per cent."

The amendment was *rejected*.

Messrs. Lees and Knapik and Ms. Melconian moved to amend the bill by inserting after section 43 the following section:—

"SECTION . Notwithstanding the provisions of any general or special law to the contrary, an abolished county's employees as defined in chapter 48 of the acts of 1997, who retired on or before the transfer date shall become members of the state retirement system which shall pay the cost of benefits annually to such retired county employees and their survivors. The employees of an abolished county who become state employees pursuant to the provisions of this act or any subsequent act abolishing a county shall become members of the state retirement system; provided, however, that notwithstanding the provisions of any general or special law to the contrary, said retirement system shall be responsible for all liability attributable to the service of such employees. The accumulated deductions, including interest, credited to the accounts of members of an abolished county's retirement system who become members of the state retirement system pursuant to this act or any subsequent act abolishing a county shall be transferred from such abolished county's retirement system and credited to such members' accounts in the state retirement system."

The amendment was *rejected*.

Messrs. Nuciforo and Montigny moved to amend the bill by inserting after section 43 the following section:—

"SECTION 43F. The division of health care finance and policy shall conduct a study of the impact of 1998 nursing home rates on the nursing home industry in the commonwealth. Said study shall include an examination of the impact of such rates on the number of nursing home beds and the impact on the geographic distribution of nursing home beds in the commonwealth. The study shall be filed with the house and senate committees on ways and means within six months of the effective date of this act."

After remarks, the amendment was adopted.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at nineteen minutes before four o'clock P.M., on motion of Ms. Lees, as follows, to wit (yeas 36 — nays 0):

YEAS.

Amorello, Matthew J.

Antonioni, Robert A.

Bernstein, Robert A.

Berry, Frederick E.

Brewer, Stephen M.

Clancy, Edward J., Jr.

Melconian, Linda J.

Montigny, Mark C.

Moore, Richard T.

Morrissey, Michael W.

Murray, Therese

Nuciforo, Andrea F., Jr.

Creedon, Robert S., Jr.
Durand, Robert A.
Fargo, Susan C.
Havern, Robert A.
Hedlund, Robert L.
Jajuga, James P.
Joyce, Brian A.
Keating, William R.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.

O'Brien, John D.
Pacheco, Marc R.
Panagiotakos, Steven C.
Pines, Lois G.
Rosenberg, Stanley C.
Shannon, Charles E.
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Warren E.
Travaglini, Robert E.
Walsh, Marian
Wilkerson, Dianne

— 36.

NAYS. — 0

ABSENT OR NOT VOTING.

Jacques, Cheryl A.
Norton, Thomas C.

Rauschenbach, Henri S.

— 3.

The yeas and nays having been completed at eleven minutes before four o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendments (for text of Senate amendments, printed as amended, see Senate, No. 2143). Sent to the House for concurrence in the amendments.

Committee Changes.

The President announced the resignation of Senator Jacques of Norfolk, Bristol and Middlesex as a member of the committee on Bills in the Third Reading and the appointment of Senator Melconian of Hampden to fill the vacancy. Subsequently, the President announced the resignation of Senator Melconian of Hampden as a member of said committee and the reappointment of Senator Jacques of Norfolk, Bristol and Middlesex thereto.

Papers from the House.

Engrossed Bills — Land Taking for Conservation, Etc.

An engrossed Bill authorizing the conveyance of a certain parcel of land in the town of Norwell (see House, No. 5196) (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 ten minutes before four o'clock P.M., as follows, to wit (yeas 36 — nays 0):

YEAS.

Amorello, Matthew J.
Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.

Melconian, Linda J.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.

Creedon, Robert S., Jr.
Durand, Robert A.
Fargo, Susan C.
Havern, Robert A.
Hedlund, Robert L.
Jajuga, James P.
Joyce, Brian A.
Keating, William R.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.

O'Brien, John D.
Pacheco, Marc R.
Panagiotakos, Steven C.
Pines, Lois G.
Rosenberg, Stanley C.
Shannon, Charles E.
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Warren E.
Travaglini, Robert E.
Walsh, Marian
Wilkerson, Dianne

— 36.

NAYS. — 0

ABSENT OR NOT VOTING.

Jacques, Cheryl A.
Norton, Thomas C.

Rauschenbach, Henri S.

— 3.

Ms. Melconian in the Chair, the yeas and nays having been completed at six minutes before 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 Acting Governor for his approbation.

An engrossed Bill authorizing the town of Plympton to transfer control of certain forest land to the board of selectmen (see House, No. 5139) (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 five minutes before four o'clock P.M., as follows, to wit (yeas 36 — nays 0):

YEAS.

Amorello, Matthew J.
Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Durand, Robert A.
Fargo, Susan C.
Havern, Robert A.
Hedlund, Robert L.

Melconian, Linda J.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
O'Brien, John D.
Pacheco, Marc R.
Panagiotakos, Steven C.
Pines, Lois G.
Rosenberg, Stanley C.

Jajuga, James P.
Joyce, Brian A.
Keating, William R.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.

Shannon, Charles E.
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Warren E.
Travaglini, Robert E.
Walsh, Marian
Wilkerson, Dianne

— 36.

NAYS. — 0

ABSENT OR NOT VOTING.

Jacques, Cheryl A.
Norton, Thomas C.

Rauschenbach, Henri S.

— 3.

The yeas and nays having been completed at two minutes before 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 Acting Governor for his approbation.

Communication.

The President in the Chair,— the Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS
SENATE MAJORITY LEADER
STATE HOUSE, BOSTON 02133-1053
March 12, 1998.

Mr. Edward B. O'Neill
Clerk of the Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

Due to illness, I was unable to be present in the Senate Chamber on Thursday, March 12, 1998.

Had circumstances permitted, I would have voted in the affirmative on Engrossment of House Bill 5300, an act making appropriations for the fiscal year 1998 to provide for certain collective bargaining agreements, for supplementing certain existing appropriations, and certain other activities and projects, and in the affirmative on Senate Bill 2138, an act to close the gap in the hiring of women employed in certain trades on state-funded construction contracts.

Sincerely,

THOMAS C. NORTON,
Majority Leader.

On motion of Ms. Melconian, the above statement was ordered printed in the Journal of the Senate.

Paper from the House.

The Senate Bill further regulating the practice of public accountancy (Senate, No. 439),— came from the House passed to be engrossed, in concurrence, *with an amendment*, by striking out section 2 and inserting in place thereof the following section:

"SECTION 2. Said section 87A&3189; of said chapter 112, as so appearing, is hereby further amended by striking out the seventh paragraph and inserting in place thereof the following paragraph:—

The experience requirement for a certificate shall be determined by the board in its discretion."

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

Resolutions.

Resolutions (filed by Mr. Morrissey) "on the occasion of the fiftieth anniversary of the South Braintree Board of Trade", were referred, under the rule, to the committee on Rules.

Subsequently, Mr. Clancy, for the said committee, reported, recommending that the resolutions ought to be adopted; and they were considered forthwith, under a suspension of the rules, moved by Mr. Morrissey, and adopted.

Report of a Committee.

Mr. Berry, for the committee on Steering and Policy, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill establishing the office of town accountant in the town of Plympton (printed in House, No. 5200).

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

Papers from the House.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5382) of Anne M. Paulsen for legislation to further regulate motor vehicle equipment;
Under suspension of Joint Rule 12, to the committee on Public Safety.

Petition (accompanied by bill, House, No. 5383) of Ronald Mariano and Michael W. Morrissey for legislation to authorize the Department of Mental Health to establish a sick leave bank for Tina Marie Taylor, an employee of said department;
Under suspension of Joint Rule 12, to the committee on Public Service.

Petition (accompanied by bill, House, No. 5384) of David M. Peters and Richard T. Moore for legislation to designate a portion of state highway Route 20 in the town of Charlton as the "JENS Highway in memory of Jennifer Krukowski and those who lost their lives on Route 20 Charlton";

Under suspension of Joint Rule 12, to the committee on Transportation.

Emergency Preamble Adopted.

An engrossed Bill relative to the transfer of certain motor vehicle registrations (see Senate, No. 1826), 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 6 to 0.**

The bill was signed by the President and sent to the House for enactment.

Reports of Committees.

By Mr. Clancy, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Andrea F. Nuciforo, Jr., Peter J. Larkin and Shaun P. Kelly for legislation to authorize the trustees of Berkshire Community College to adjust tuition rates and charges for residents of bordering states.

Senate Rule 36 was suspended, on motion of Ms. Melconian, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Education, Arts and Humanities, and

By Mr. Clancy, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Steven C. Panagiotakos, Edward A. LeLacheur, Kevin J. Murphy and Thomas A. Golden, Jr. (with the approval of the city council) for legislation to authorize the Lowell Housing Authority to promote affordable housing opportunities to persons of low and moderate income [Local approval received].

Senate Rule 36 was suspended, on motion of Ms. Melconian, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Housing and Urban Development.

By Mr. Clancy, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Steven C. Panagiotakos for legislation relative to veteran's retirement benefits.

Senate Rule 36 was suspended, on motion of Ms. Melconian, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.

By Mr. Clancy, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Steven C. Panagiotakos for legislation to authorize the Division of Capital Planning and Operations to release certain easement rights to use the Ayotte Garage in the city of Lowell.

Senate Rule 36 was suspended, on motion of Ms. Melconian, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration.

By Mr. Clancy, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Bruce E. Tarr and Forrester A. Clark, Jr. (by vote of the town) for legislation relative to the creation of a dedicated revenue stream for the purchase of open space in the town of Ipswich.

Senate Rule 36 was suspended, on motion of Ms. Melconian, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Taxation.

By Mr. Clancy, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Michael W. Morrissey, Michael G. Bellotti, A. Stephen Tobin and Ronald Mariano for legislation to establish senior safety zones.

Senate Rule 36 was suspended, on motion of Ms. Melconian, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Transportation.

Severally sent to the House for concurrence.

Papers from the House

Engrossed Bill.

An engrossed Bill regulating set off of mutual debts and credits involving an insolvent insurer (see Senate No. 623) (which originated in the Senate), **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 Acting Governor for his approbation.**

Order Adopted.

On motion of Ms. Melconian,—

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 Mr. John Hegarty.

Mr. Lynch moved that when the Senate adjourns today, it adjourn in memory of Mr. John Hegarty of Dorchester, a member of Pile Drivers Union Local No. 56, who died on Wednesday,, March 11, 198, while working on the Central Artery/Third Harbor Tunnel Project. This motion prevailed.

Accordingly, as a mark of respect to the memory of Mr. John Hegarty, on motion of Mr. Lees, at four minutes past four o'clock P.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.