

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, April 2, 1998.
Met at half past one o'clock P.M.

Communication.

A communication was received from the City Clerk of the city of Boston transmitting resolutions adopted by the Boston City Council supporting legislation, filed by Senator Travaglini and other members of the General Court, "to reduce the surcharge on Boston vehicular rental contracts."

The communication was placed on file.

Petition.

Mr. Lees presented a petition (subject to Joint Rule 12) of Brian P. Lees for legislation to establish a sick leave bank for Owen Jones, an employee of the Department of Mental Retardation,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

To protect the victims of crime (Senate, No. 897);

Establishing the South Shore recycling cooperative (Senate, No. 2102);

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

Relative to the presiding officer of the town council of the town of Greenfield (House, No. 4926);

Relative to the retirement allowance of Robert Lally of the town of Wellesley (House, No. 4961); and

Authorizing the town of Billerica to refund a certain tax payment (House, No. 5097);

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

The House Bill authorizing the city of Springfield to borrow a certain sum of money for capital improvements to the library and museum buildings (House, No. 4909),— **was read a second time and ordered to a third reading. Subsequently, there being no objection, the bill was read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the town of North Attleborough to make certain conveyances of forest land (House, No. 5224),— **was read a second time and ordered to a third reading. Subsequently, there being no objection, the bill was read a third time and passed to be engrossed, in concurrence.**

The House bills

Authorizing the town of Burlington to send certain information to the voters of said town (House, No. 4979);

Relative to counterfeiting (House, No. 4707, amended); and

Providing for certain insurance benefits for cancer patients (House, No. 5190);

Were severally read a third time and passed to be engrossed, in concurrence.

The Senate Bill clarifying recall and to allow active and retired judges to serve on the Appeals Court (Senate, No. 793),— was read a second time.

Pending the amendment, previously recommended by the committee on Ways and Means, and pending the main question on ordering the bill to a third reading, on motion of Mr. Bernstein, the further consideration thereof was postponed until Thursday, April 16.

The Senate Bill relative to the performance of weddings by non-resident cantors (Senate, No. 2122),— was read a second time. Pending the question on ordering the bill to a third reading, Ms. Jacques moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the following:

"SECTION 1. Section 39 of chapter 207 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after the word rabbi', in line 14, the following words:— or cantor, provided that such cantor is a member of the Cantors

Assembly, the American Conference of Cantors, or the Cantorial Council of America."

The amendment was adopted. The bill, as amended, was then ordered to a third reading.

The Senate Bill relative to regional retirement systems (printed as House, No. 5305),— was read a second time.

Pending the question on ordering the bill to a third reading, on motion of Mr. Rosenberg, the bill was referred to the Senate committee on Ways and Means.

The House Bill relative to prison expansion (House, No. 5335),— **was read a second time and ordered to a third reading.**

The Senate Bill relative to cardiopulmonary resuscitation and automatic external defibrillation (Senate, No. 1798) (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. Morrissey moved that the bill be amended by substituting a new draft with the same title (Senate, No. 2164).

The amendment was adopted. The new draft (Senate, No. 2164) was then passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill relative to certain health care benefits (Senate, No. 2160),— was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Rosenberg, Ms. Melconian, Mr. Berry, Ms. Walsh and Mr. Montigny moved to amend the bill in section 1, by striking out, in lines 9 to 12, inclusive, the words "shall provide benefits for residents of the commonwealth and to all policyholders having a principal place of employment within the commonwealth for the diagnosis and treatment of mental disorders, including, but not limited to" and inserting in place thereof the following words:— "shall provide mental health benefits for residents of the commonwealth and to all policyholders having a principal place of employment within the commonwealth which shall include, but not be limited to, the diagnosis and treatment of mental disorders as contained in the standard nomenclature used by the American Psychiatric Association"; in said section 1 by inserting after the word "restrictive", in line 28, the following words:— "clinically appropriate";

In section 2, by inserting after the word "restrictive", in line 17, the words:— "clinically appropriate";

In section 5, by striking out, in lines 7 to 11, inclusive, the words "benefits for the residents of the commonwealth and to all individual subscribers and members and group members having a principal place of employment within the commonwealth for the diagnosis and treatment of mental disorders, including, but not limited to" and inserting in place thereof the following words:— "mental health benefits for residents of the commonwealth and to all individual subscribers and members and group members having a principal place of employment within the commonwealth which shall include, but not be limited to, the diagnosis and treatment of mental disorders as contained in the standard nomenclature used by the American Psychiatric Association"; in said section 5, by inserting after the word "restrictive", in line 27, the following words:— "clinically appropriate";

In section 7, by inserting after the word "restrictive", in line 18, the words:— "clinically appropriate";

In section 9, by striking out, in lines 7 to 11, inclusive, the words "benefits to all individual subscribers and members within the commonwealth and to all group members having a principal place of employment within the commonwealth for the diagnosis and treatment of mental disorders, including, but not limited to" and inserting in place thereof the following words:— "mental health benefits to all individual subscribers and members within the commonwealth and to all group members having a principal place of employment within the commonwealth which shall include, but not be limited to, the diagnosis and treatment of mental disorders as contained in the standard nomenclature used by the American Psychiatric Association"; and in said section 9 by inserting after the word "restrictive", in line 27, the following words:— "clinically appropriate";

In section 10, by inserting after the word "restrictive", in line 17, the following words:— "clinically appropriate"; and

In section 15, by striking out, in lines 6 to 9, inclusive, the words "benefits for residents of the commonwealth and to all those having a principal place of employment within the commonwealth for the diagnosis and treatment of mental disorders, including, but not limited to" and inserting in place thereof the following words:— "mental health benefits for residents of the commonwealth and to all those having a principal place of employment within the commonwealth which shall include, but not be limited to, the diagnosis and treatment of mental disorders as contained in the standard nomenclature used by the American Psychiatric Association"; in said section 15, by inserting after the word "restrictive", in line 24, the following words:— "clinically appropriate"; and in said section 15, by inserting after the word "restrictive", in line 67, the following words:— "clinically appropriate".

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at eight minutes before two o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 38 — nays 0):

YEAS.

Amorello, Matthew J.

Antonioni, Robert A.

Bernstein, Robert A.

Berry, Frederick E.

Brewer, Stephen M.

Montigny, Mark C.

Moore, Richard T.

Morrissey, Michael W.

Murray, Therese

Norton, Thomas C.

Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Durand, Robert A.
Fargo, Susan C.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Keating, William R.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.

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

— 38.

NAYS. — 0

ABSENT OR NOT VOTING.

Havern, Robert A. — 1.

Ms. Melconian in the Chair, the yeas and nays having been completed at four minutes before two o'clock P.M., the amendment was adopted.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at three minutes before two o'clock P.M., on motion of Mr. Durand, as follows, to wit (yeas 38 — 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.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Keating, William R.
Knapik, Michael R.

Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Norton, Thomas C.
Nuciforo, Andrea F., Jr.
O'Brien, John D.
Pacheco, Marc R.
Panagiotakos, Steven C.
Pines, Lois G.
Rauschenbach, Henri S.
Rosenberg, Stanley C.
Shannon, Charles E.
Tarr, Bruce E.
Tisei, Richard R.

Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.

Tolman, Warren E.
Travaglini, Robert E.
Walsh, Marian
Wilkerson, Dianne

— 38.

NAYS. — 0

ABSENT OR NOT VOTING.

Havern, Robert A. — 1.

The yeas and nays having been completed at two minutes past two o'clock P.M., the bill (Senate, No. 2165, printed as amended) was passed to be engrossed.

Sent to the House for concurrence.

The President in the Chair,— the House Bill relative to environmental cleanup and promoting the redevelopment of contaminated property (House, No. 5299),— was read a third time.

After debate on the question on passing the bill to be engrossed, Mr. Tisei moved that all pending amendments to this bill be printed in the calendar pursuant to the provisions of Senate Rule 31. He was joined in this request by Mr. Lees.

The President stated that this motion was out of order for the reason that, on Wednesday, April 1, the Senate adopted by unanimous consent an order which provided for full consideration of this matter today by the Senate. The President stated that the adoption of the order on Wednesday, April 1, precluded the motion to print the pending amendments in the calendar.

At twenty-two minutes before three o'clock P.M., the President declared a recess subject to the call of the Chair; and, at twenty-four minutes before four o'clock P.M., the Senate reassembled, the President in the Chair.

After remarks, at twenty-two minutes before four o'clock P.M., the President declared a further recess until the hour of five o'clock P.M.; and, at that time, the Senate reassembled, the President in the Chair.

Papers from the House.

Engrossed Bill — Land Taking for Conservation, Etc.

There being no objection, during consideration of the Orders of the Day, an engrossed Bill authorizing the Division of Capital Planning and Operations to convey certain land in the city of Boston (see House, No. 2396) (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 one minute past five o'clock P.M., as follows, to wit (yeas 32 — nays 0):

YEAS.

Amorello, Matthew J.
Bernstein, Robert A.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Durand, Robert A.
Fargo, Susan C.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Keating, William R.

Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Norton, Thomas C.
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Pines, Lois G.
Rauschenbach, Henri S.
Rosenberg, Stanley C.
Shannon, Charles E.
Tarr, Bruce E.

Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Melconian, Linda J.

Tolman, Warren E.
Travaglini, Robert E.
Walsh, Marian
Wilkerson, Dianne

— 32.

NAYS. — 0

ABSENT OR NOT VOTING.

Antonioni, Robert A.
Berry, Frederick E.
Havern, Robert A.
Magnani, David P.

O'Brien, John D.
Panagiotakos, Steven C.
Tisei, Richard R.

— 7.

The yeas and nays having been completed at nine minutes past five 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.

Engrossed Bill — State Credit.

There being no objection, during consideration of the Orders of the Day, an engrossed Bill establishing a revolving trust fund to aid in the financing of drinking water projects (see Senate, No. 2154) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, it being a bill that provided for a gift, loan or pledge of the credit of the Commonwealth, in accordance with the provisions of Section I of Article LXII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at nine minutes past five o'clock P.M., as follows, to wit (yeas 32 — nays 0):

YEAS.

Amorello, Matthew J.
Bernstein, Robert A.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Durand, Robert A.
Fargo, Susan C.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Keating, William R.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Melconian, Linda J.

Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Norton, Thomas C.
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Pines, Lois G.
Rauschenbach, Henri S.
Rosenberg, Stanley C.
Shannon, Charles E.
Tarr, Bruce E.
Tolman, Warren E.
Travaglini, Robert E.
Walsh, Marian
Wilkerson, Dianne

NAYS. — 0

ABSENT OR NOT VOTING.

Antonioni, Robert A.

O'Brien, John D.

Berry, Frederick E.

Panagiotakos, Steven C.

Havern, Robert A.

Tisei, Richard R.

Magnani, David P.

— 7.

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

Engrossed Bills.

There being no objection, during consideration of the Orders of the Day, the following engrossed bills (the first of which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the President and laid before the Acting Governor for his approbation, to wit: Exempting the chief of police of the town of Oxford from the provisions of the civil service law (see Senate, No. 2104); and Relative to the taxation of snowmobiles and recreation vehicles (see House, No. 2792, amended).

Orders of the Day.

The Orders of the Day were further considered, as follows:

The House Bill relative to environmental cleanup and promoting the redevelopment of contaminated property (House, No. 5299),— was further considered, the main question being on passing the bill to be engrossed.

There being no objection, the following amendments were considered as one and *rejected*, as follows:

Ms. Wilkerson moved to amend the bill in section 8, by striking out the definition of "Economically distressed area" and inserting in place thereof the following definition:—

" Economically distressed area', a census tract or combination of census tracts of a municipality that has an unemployment rate that exceeds the statewide average by at least 25 percent and that meets one or more of the following criteria: (1) 51 percent of the households have incomes at or less than 85 percent of the median income of the households of the commonwealth; (2) poverty rate 20 percent higher than the average poverty rate of the commonwealth; (3) the municipality has experienced a plant closing, permanent layoffs, or the closure of a military base that resulted in the loss of 2,000 or more jobs within the previous four years; or (5) the labor market area in which the municipality is located has a distress factor greater than 1.33, as defined in section 3A of chapter 23A."

The amendment was *rejected*.

Ms. Wilkerson moved to amend the bill in section 8, by striking out the definition of "Economically distressed area" and inserting in place thereof the following definition:—

" Economically distressed area', a federal empowerment zone or enhanced enterprise community established pursuant to title 42 of the United States Code, or any other successor statute, or a municipality that meets one or more of the following criteria: (1) an unemployment rate that exceeds the statewide average by at least 25 percent; (2) 51 percent of the households have incomes at or less than 85 percent of the median income of the households of the commonwealth; (3) poverty rate 20 percent higher than the average poverty rate of the commonwealth; (4) the municipality has experienced a plant closing, permanent layoffs, or the closure of a military base that resulted in the loss of 2,000 or more jobs within the previous four years; or (5) the labor market area in which the municipality is located has a distress factor greater than 1.33, as defined in section 3A of chapter 23A."; and by inserting after section 35 the following section:—

"SECTION 35A. Said section 2 of said chapter 43 is hereby further amended by inserting after item 7007-0200 the following item:—

7007-0210

For the purpose of the Brownfields Development Fund established pursuant to section 8G of chapter 212 of the acts of 1975; provided, that not less than \$15,000,000 of the amount appropriated herein shall be expended for financial assistance to project sites located within federal empowerment zones or federal enhanced enterprise communities established pursuant to title 42 of the United States Code, or any other successor statute
.....60,000,000".

The amendment was *rejected*.

Ms. Wilkerson moved to amend the bill by inserting after section 35, the following section:—

"SECTION 35A. Said section 2 of said chapter 43 is hereby further amended by inserting after item 7007-0200 the following item:—

7007-0210

For the purpose of the Brownfields Development Fund established pursuant to section 8G of chapter 212 of the acts of 1975; provided, that not less than \$15,000,000 of the amount appropriated herein shall be expended for financial assistance to project sites located within federal empowerment zones or federal enhanced enterprise communities established pursuant to title 42 of the United States Code, or any other successor statute
.....60,000,000".

The amendment was *rejected*.

Mr. Lynch moved to amend the bill in section 37, by striking out subsection (m) and inserting in place thereof the following subsection:—

"(m) The brownfields advisory group shall assist the bank in establishing guidelines pursuant to subsection (j). The brownfields advisory group shall convene on a quarterly basis in order to review actions taken by the bank with respect to the Fund and to make any advisory recommendations with respect thereto and further, to assist in producing the report required by subsection (k)".

The amendment was *rejected*.

Mr. Lees moved to amend the bill in section 32 by striking, in lines 18 and 19, the words "is an eligible person, as defined by section 2 of chapter 21E, and".

The amendment was *rejected*.

Ms. Wilkerson moved to amend the bill in section 8 by striking out the definition of "Economically distressed area" and inserting in place thereof the following definition:—

"'Economically distressed area', a federal empowerment zone or enhanced enterprise community established pursuant to title 42 of the United States Code, or any other successor statute, or a census tract or combination of census tracts of a municipality that has an unemployment rate that exceeds the statewide average by at least 25 per cent and that meets one or more of the following criteria: (1) 51 per cent of the households have incomes at or less than 85 per cent of the median income of the households of the commonwealth; (2) poverty rate 20 per cent higher than the average poverty rate of the commonwealth; (3) the municipality has experienced a plant closing, permanent layoffs, or the closure of a military base that resulted in the loss of 2,000 or more jobs within the previous four years; or (5) the labor market area in which the municipality is located has a distress factor greater than 1.33, as defined in section 3A of chapter 23A.".

The amendment was *rejected*.

Mr. Knapik moved to amend the bill in section 35, in item 1599-7010, by adding the following proviso:— "; provided, that not less than \$4,000,000 shall be expended for the demolition of certain abandoned buildings which represent a severe public health and safety risk,".

The amendment was *rejected*.

Mr. Tarr moved to amend the bill in section 35, in item 1599-7010, by adding the following proviso:— "; provided, that not less than \$345,500 shall be expended for the repair or re-paving of East Street as it relates to landfill usage in the town of Middleton".

The amendment was *rejected*.

Mr. Tarr moved to amend the bill in section 35, in item 1599-7010, by adding the following proviso:— "; provided, that a contingency fund shall be established for the redevelopment of the former J. T. Berry Hospital in the town of North Reading".

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill in section 32, by striking out, in lines 20 and 21, the following words:— "and is not subject to an enforcement action under said chapter 21E".

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill in section 38, by inserting after the words "as inserted by section 37 of this act", in line 6, the following proviso:— "; provided, however, that not less than \$10,000,000 be expended from the general fund for the Berkshire Economic Authority to provide loans and grants to property owners in the city of Pittsfield, to further site assessments, clean-up and removal of the General Electric site, so-called, and surrounding properties in the city of Pittsfield".

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill in section 33, by striking out, in lines 20 and 21, the following words:— "and is not subject to any enforcement action under said chapter 21E".

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill in section 23, by inserting after the word "met", in line 13, the following words:— "; and provided further that no person who would otherwise be entitled to assert a claim for property damage under common law, relating to buildings or land not within the scope of the covenant not to sue, shall be barred from asserting such claims against any potentially liable person.

The amendment was *rejected*.

Messrs. Clancy and Nuciforo moved to amend the bill by adding the following section:

"SECTION . Given that there are many former manufactured gas plant sites across the commonwealth, some which may be potential locations for Brownfields redevelopment, the former manufactured gas plant sites owned by Massachusetts Electric

Company in Lynn, Malden and North Adams are authorized to conduct pilot projects. The pilot projects will promote the reuse and redevelopment of each site and economic growth within each target community and shall be assisted by the economic development authority within the target community. The pilot projects will allow each site to utilize all provisions of this act regardless of whether the site achieves a permanent remedy or temporary solution."

The amendment was *rejected*.

Mr. Clancy moved to amend the bill by inserting, in section 2, after the word "solution", in line 4, the following words:— ", temporary solution for Tier I sites"; in section 4, by inserting after the word "solution", in line 4, the following words:— ", temporary solution for Tier I sites"; in section 17, by inserting after the word "solution", in line 58, the following words:— ", temporary solution for Tier I sites"; in section 23, by inserting after the word "solution", in lines 10, 22, 27, 64 and 65, each time it appears, the following words:— ", temporary solution for Tier I sites"; in section 24, by inserting after the word "solution", in line 5, the following words:— ", temporary solution for Tier I sites"; in section 32, by inserting after the word "solution", in lines 4, 28, 33, 53 and 57, each time it appears, the following words:— ", temporary solution for Tier I sites"; and in section 33, by inserting after the word "solution", in lines 4, 15, 29, 34, 48 and 65, each time it appears, the following words:— ", temporary solution for Tier I sites".

The amendment was *rejected*.

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

SECTION . Section 5 of chapter 21E of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after the word "actions", in line 151, the following words:— or any person who owns and operates a business employing fewer than 25 persons and said business locates its principal place of business at a site at which the department has incurred costs for response actions.

The amendment was *rejected*.

Mr. Magnani moved to amend the bill in section 8, by inserting after the word "23A", in line 21, the following words:— "; or (6) a municipality which within its boundaries contains a site designated as a superfund' site so-called pursuant to The Comprehensive Environmental Response, Compensation And Liability Act".

The amendment was *rejected*.

Mr. Magnani moved to amend the bill in section 8, by inserting after the word "chapter 23A", in line 21, the following clause: (6) a municipality that has been designated as an economic target area pursuant to section 3D of chapter 23A.

The amendment was *rejected*.

Ms. Pines moved to amend the bill by inserting after section 37 the following section:—

"SECTION 37A. Section 2 of chapter 43 of the acts of 1997 is hereby amended by inserting after item 2200-0110 the following item:—

2200-0220

For the purpose of conducting the audits of hazardous material and oil sites as required under the provisions of subsection (o) of section 3A of chapter 21E of the General Laws
.....2,000,000".

The amendment was *rejected*.

Ms. Pines moved to amend the bill in section 32, by striking out, in lines 15 and 16, the words "to a standard that returns the site to its original condition" and inserting in place thereof the following words:— "which does not include an activity and use limitation as defined in section 2, and which is".

The amendment was *rejected*.

Ms. Pines moved to amend the bill in section 33 by striking out, in lines 15 and 16, the words "to a standard that returns the site to its original condition" and inserting in place thereof the following words:— "which does not include an activity and use limitation as defined in section 2, and which is".

The amendment was *rejected*.

Mr. Durand moved to amend the bill by inserting after section 34 the following section:—

"SECTION 34A. Chapter 671 of the acts of 1953 is hereby amended by striking out section 18 and inserting in place thereof the following section:—

Section 18. The corporation shall continue to exist in perpetuity subject, however, to the right of the stockholders and the members to dissolve the corporation as provided in section 19."

The amendment was *rejected*.

As previously stated the above amendments were considered as one and *rejected*.

There being no objection, the following amendments were considered as one and adopted, to wit:

Mr. Nuciforo moved to amend the bill in section 17, by striking out, in line 14, the words "period of 30 calendar days", and inserting in place thereof the following words:— "period of 90 calendar days".

The amendment was adopted.

Mr. Nuciforo moved to amend the bill in section 17, by striking out, in line 17, the words "30 day" and inserting in place thereof the following words:— "90 day".

The amendment was adopted.

Ms. Pines moved to amend the bill in section 28, by inserting after the word "the", in line 21, by adding he following words:— "attorney general and the".

The amendment was adopted.

Ms. Pines moved to amend the bill by striking out section 44.

The amendment was adopted.

Mr. Durand moved to amend the bill by inserting after section 5 the following section:—

"SECTION 5A. Section 19A of chapter 21A of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by striking out, in lines 16 and 17, the words "be a full time employee of a firm engaged in the manufacturing and processing of petroleum products" and inserting in place thereof the following words:— have significant experience in the assessment and/or remediation of sites contaminated with petroleum."

The amendment was adopted.

As previously stated the above amendments were considered as one and adopted.

Ms. Walsh moved to amend the bill by inserting after section 35 the following section:—

"SECTION 35A. Section 2 of said chapter 43 is hereby further amended by inserting after item 2200-0110 the following item:—
2200-0220

For the purpose of conducting audits of hazardous material and oil sites as required under the provisions of
section 3A of chapter 21E of the General Laws
.....2,000,000".

The amendment was *rejected*.

Ms. Jacques moved to amend the bill in section 37, by inserting after the word "area", in line 137, the following words:— and in the census tract, if any, within the economically distressed area.

The amendment was adopted.

Ms. Wilkerson moved to amend the bill in section 8, by inserting after the word "area", in line 9, the following words:— "a federal empowerment zone, an enhanced enterprise community or an enterprise community established pursuant to Title 42 of the United States Code or".

The amendment was adopted.

Mr. Lees moved to amend the bill in section 8, by striking out the definition of "Economically distressed area" and inserting in place thereof the following definition:—

"Economically distressed area', an area or municipality that has been designated as an economic target area, or would otherwise meet the criteria for such designation pursuant to section 3D of chapter 23A".

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-four minutes before six o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 9 — nays 23):

YEAS.

Amorello, Matthew J.

Brewer, Stephen M.

Hedlund, Robert L.

Knapik, Michael R.

Lees, Brian P.

Moore, Richard T.

Rauschenbach, Henri S.

Tarr, Bruce E.

Tisei, Richard R.

— 9.

NAYS.

Bernstein, Robert A.

Clancy, Edward J., Jr.

Creedon, Robert S., Jr.

Durand, Robert A.

Fargo, Susan C.

Jacques, Cheryl A.

Jajuga, James P.

Joyce, Brian A.

Keating, William R.

Lynch, Stephen F.

Melconian, Linda J.

Morrissey, Michael W.

Nuciforo, Andrea F., Jr.

Pacheco, Marc R.

Panagiotakos, Steven C.

Pines, Lois G.

Rosenberg, Stanley C.

Shannon, Charles E.

Tolman, Warren E.

Travaglini, Robert E.

Walsh, Marian

Wilkerson, Dianne

Montigny, Mark C.

— 23.

Paired.

YEAS.

NAYS.

Therese Murray (present),
David P. Magnani,

John D. O'Brien.
Thomas C. Norton (present)

— 4.

ABSENT OR NOT VOTING.

Antonioni, Robert A.
Berry, Frederick E.

Havern, Robert A.

— 3.

The yeas and nays having been completed at sixteen minutes before six o'clock P.M., the amendment was *rejected*.

Ms. Norton moved that Senate Rule 38A be suspended to allow the Senate to continue in session beyond the hour of eight o'clock P.M.; and the same Senator requested unanimous consent that the rules be suspended without a call of the yeas and nays. There being no objection, the motion was considered forthwith and it was adopted.

Mr. Lees moved to amend the bill in section 8, by striking out the definition of "Economically distressed area" and inserting in place thereof the following definition:—

"'Economically distressed area', an area or municipality that contains building, structure, installation, equipment, pipe or pipeline, including pipe into a sewer or publicly-owned treatment works, well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock or aircraft or any other place or area where oil or hazardous material has been deposited, stored, disposed of or placed or otherwise come to be located. The term economically distressed area' shall not include consumer product in consumer use, vessel or private residence."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at seven o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 7 — nays 25):

YEAS.

Amorello, Matthew J.
Hedlund, Robert L.
Knapik, Michael R.
Lees, Brian P.

Rauschenbach, Henri S.
Tarr, Bruce E.
Tisei, Richard R.

— 7.

NAYS.

Bernstein, Robert A.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Durand, Robert A.
Fargo, Susan C.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Keating, William R.

Moore, Richard T.
Morrissey, Michael W.
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Pines, Lois G.
Rosenberg, Stanley C.
Shannon, Charles E.
Tolman, Warren E.
Travaglini, Robert E.

Lynch, Stephen F.
Melconian, Linda J.
Montigny, Mark C.

Walsh, Marian
Wilkerson, Dianne

— 25.

Paired.

YEAS.

NAYS.

Therese Murray (present),
David P. Magnani,

John D. O'Brien.
Thomas C. Norton (present).

— 4.

ABSENT OR NOT VOTING.

Antonioni, Robert A.
Berry, Frederick E.

Havern, Robert A.

— 3.

Mr. Durand in the Chair, the yeas and nays having been completed at six minutes past seven o'clock P.M., the amendment was *rejected*.

Ms. Murray moved to amend the bill in section 8, by adding in the definition of "economically distressed area", the following words:— "or (6) a growth rate that exceeds the statewide average by 15 per cent or has increased by 15 per cent during the past ten years".

The amendment was *rejected*.

Messrs. Amorello and Bernstein moved to amend the bill in section 13 by adding the following paragraph:—

"(g) Any redevelopment authority, redevelopment agency or economic development authority, upon approval of its governing board, may enter upon any property which such authority or agency is considering acquiring pursuant to statutory authority, whether such property is publicly or privately owned, after due notice by registered or certified mail, for the purpose of making such surveys, environmental site assessments and subsurface investigations as it finds necessary or convenient to determine the feasibility or desirableness of acquiring such property. Such entry shall not be deemed a trespass or an entry under any condemnation proceedings that may be then pending. The authority or agency shall make reimbursement for any actual damage resulting to such property caused by it in the exercise of such right of entry and shall so far as possible restore such property substantially to the same condition as prior to the making of such surveys, environmental site assessments and subsurface investigations. No redevelopment authority, redevelopment agency or economic development authority shall be considered an owner or operator under this chapter as a result of exercising the right of entry provided herein."

After debate, the amendment was *rejected*.

Messrs. Jajuga and Panagiotakos moved to amend the bill in section 8, by striking out, in line 19, the word "or";

In said section 8 by inserting after the words "chapter 23A", in line 21, the following words:— "; or (6) the municipality is located within ten miles of the border of New Hampshire"; and

In section 37, by inserting after the word "section", in line 154, the following paragraph:—

"; (7) whether the municipality in which the site of such project is located is located within ten miles of the New Hampshire border".

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-eight minutes before eight o'clock P.M., on motion of Mr. Jajuga, as follows, to wit (yeas 9 — nays 24):

YEAS.

Brewer, Stephen M.
Fargo, Susan C.
Jajuga, James P.
Keating, William R.
Knapik, Michael R.

Lees, Brian P.
Panagiotakos, Steven C.
Tarr, Bruce E.
Tolman, Warren E.

— 9.

NAYS.

Amorello, Matthew J.	Murray, Therese
Bernstein, Robert A.	Norton, Thomas C.
Clancy, Edward J., Jr.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Durand, Robert A.	Pines, Lois G.
Jacques, Cheryl A.	Rauschenbach, Henri S.
Joyce, Brian A.	Rosenberg, Stanley C.
Lynch, Stephen F.	Shannon, Charles E.
Melconian, Linda J.	Tisei, Richard R.
Montigny, Mark C.	Travaglini, Robert E.
Moore, Richard T.	Walsh, Marian
Morrissey, Michael W.	Wilkerson, Dianne

— 24.

ABSENT OR NOT VOTING.

Antonioni, Robert A.	Hedlund, Robert L.
Berry, Frederick E.	Magnani, David P.
Havern, Robert A.	O'Brien, John D.

— 6.

The President in the Chair, the yeas and nays having been completed at twenty-two minutes before eight o'clock P.M., the amendment was *rejected*.

Messrs. Bernstein and Amorello moved to amend the bill by inserting after section 42 the following section:—

"SECTION 42A. A study shall be conducted to promote the examination, sale and clean up of potentially contaminated property and to promote the economic development of stagnant sites. The attorney general shall, in consultation with the department of environmental protection, the office of brownfield revitalization and the department of economic development, collaborate to study incentives to encourage landowners of potentially contaminated properties to permit potential purchasers access to their property for the purposes of making environmental site assessments and subsurface investigations to determine whether contamination, if any, exists and, if so, to determine the extent of the contamination. Incentives examined shall include, but not be limited to issues relating to liability of the landowner and the potential purchaser arising from actual or constructive knowledge attained through such investigation.

The attorney general shall submit the results of the study and its recommendations to the clerks of the senate and house of representatives on or before December 1, 1998."

The amendment was adopted.

Mr. Nuciforo moved to amend the bill in section 17, by inserting after the word "contract", in line 80, the following words:— ; provided, however, that no person shall be relieved of any liability by this provision with respect to any matter or property that is not addressed by said brownfields covenant not to sue agreement.

After remarks, the amendment was adopted.

Messrs. Morrissey, Hedlund, Clancy and Keating moved to amend the bill in section 8, by inserting after the word "years", in line 18, the following words:— ", or contains a former manufactured gas plant site or contains a former shipyard containing property in excess of 100 acres".

The amendment was adopted.

After debate, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at thirteen minutes before eight o'clock P.M., on motion of Mr. Durand, as follows, to wit (yeas 27 — nays 4):

YEAS.

Amorello, Matthew J.	Joyce, Brian A.
Bernstein, Robert A.	Keating, William R.

Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Durand, Robert A.
Fargo, Susan C.
Jacques, Cheryl A.
Jajuga, James P.
Panagiotakos, Steven C.
Pines, Lois G.
Rosenberg, Stanley C.
Shannon, Charles E.
Tarr, Bruce E.

Lynch, Stephen F.
Melconian, Linda J.
Montigny, Mark C.
Morrissey, Michael W.
Norton, Thomas C.
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Tolman, Warren E.
Travaglini, Robert E.
Walsh, Marian
Wilkerson, Dianne

— 27.

NAYS.

Knapik, Michael R.
Lees, Brian P.

Rauschenbach, Henri S.
Tisei, Richard R.

— 4.

Paired.

YEAS.

John D. O'Brien,
David P. Magnani,

NAYS.

Therese Murray (present).
Richard T. Moore (present)

— 4.

ABSENT OR NOT VOTING.

Antonioni, Robert A.
Berry, Frederick E.

Havern, Robert A.
Hedlund, Robert L.

— 4.

The yeas and nays having been completed at six minutes before eight 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. 2166).

Sent to the House for concurrence in the amendments.

The recommitted House Bill relative to the commercial exploitation of certain privacy rights (House, No. 4752),— was considered, the main question being on passing it to be engrossed.

The Senate adopted the amendment, recommended by the committee on the Judiciary, substituting an "Order relative to authorizing the joint committee on the Judiciary to sit during the recess of the General Court for the purpose of making an investigation and study of House document numbered 4752" (Senate, No. 2114).

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

The recommitted House Bill relative to the eligibility for health insurance for school employees (House, No. 5022),— was considered, the main question being on ordering it to a third reading.

The Senate adopted the amendment, recommended by the committee on Public Service, substituting an "Order relative to authorizing the joint committee on Public Service to sit during the recess of the General Court for the purpose of making an investigation and study of House document numbered 5022" (Senate, No. 2117).

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

Bill Recalled from the Acting Governor Laid Before the Senate.

On motion of Mr. Rauschenbach, it was voted that a messenger be appointed to wait upon His Honor the Lieutenant-Governor, Acting Governor, requesting the return to the Senate of the engrossed Bill relative to children born out of wedlock (see Senate, No. 1797).

Mr. Rauschenbach was appointed the messenger. Subsequently, the bill was returned and was laid before the Senate.

There being no objection, on motion of Mr. Rauschenbach, the Senate reconsidered the vote by which, at a previous session, it had passed the bill to be enacted.

On motion of the same Senator, Senate Rule 49 was suspended and the bill was amended, on motion of Mr. Clancy, by striking out all after the enacting clause and inserting in place thereof the following text:—

"SECTION 1. Section 4B of chapter 46 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out, in line 3, the words the legitimate child' and inserting in place thereof the following words:— a child born in wedlock.

SECTION 2. Section 7 of chapter 190 of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the word legitimate' and inserting in place thereof the following words:— a child born in wedlock.

SECTION 3. Chapter 273 of the General Laws is hereby amended by striking out the title and inserting in place thereof the following title:— DESERTION, NONSUPPORT AND CHILDREN BORN OUT OF WEDLOCK.

SECTION 4. Section 15 of said chapter 273, as appearing in the 1996 Official Edition, is hereby amended by striking out the preceding caption and inserting in place thereof the following caption:— CHILDREN BORN OUT OF WEDLOCK.

SECTION 5. Section 17 of said chapter 273, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words become or will be the legitimate child of the alleged father' and inserting in place thereof the following words:— acquired or will acquire the status of a child born in wedlock".

Sent to the House for concurrence in the amendment.

Papers from the House.

Engrossed Bill Returned to House by Acting Governor with Recommendation of Amendment.

The engrossed bill promoting the safety of employees of the Massachusetts Bay Transportation Authority (see House, No. 4436, amended),— having been returned to the House by His Honor the Lieutenant-Governor, Acting Governor, in accordance with the provisions of Article LVI of the Amendments to the Constitution, with recommendation of amendment (for message, see House, No. 5174),— came from the House, amended as follows:

By striking out all after the enacting clause and inserting in place thereof the following:

"The first paragraph of section 19 of chapter 161A of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after the word training', in line 38, the following words:— ; provided, however, that to the extent that levels of staffing and training have an impact on the safety of authority employees, the determination, development and implementation of such levels of staffing and training shall not constitute a matter of inherent management right and the directors shall have the authority to bargain collectively on such subjects with labor organizations representing employees of the authority; and provided further, that such directors and labor organizations may include in any written agreement a grievance procedure culminating in final and binding arbitration before a neutral arbitrator which may be invoked in the event that an employee of the authority to whom such agreement applies is aggrieved by actions taken by authority directors or management with respect to the development, determination or implementation of levels of staffing and training which have an impact on the safety of authority employees."

The message of His Honor the Lieutenant-Governor, Acting Governor, was read.

The rules were suspended, on motion of Ms. Walsh, and the matter was considered forthwith.

The President stated that inasmuch as, under the provisions of Article LVI of the Amendments to the Constitution, the bill was "before the General Court subject to amendment and re-enactment", the bill was before the Senate subject to amendment.

On motion of Ms. Walsh, the Senate concurred in the adoption of the House amendment.

Emergency Preamble Adopted.

An engrossed Bill relative to the terms of certain bonds and notes to be issued by the Commonwealth (see House Bill, printed in House, No. 5194), 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 9 to 0. The bill was signed by the President and sent to the House for enactment.**

A Bill providing for the appointment of a treasurer in the town of Boxborough (House, No. 5287,— on petition) [Local approval received] (Representative Murray of Cohasset, of the committee on Local Affairs, dissenting),— was read.

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

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

Establishing a traffic commission in the city of Melrose (see House, No. 4793); and

Relative to the water supply and sewer systems of the town of Southbridge (see House, No. 5342).

A Bill relative to certain betterment assessments in the town of Granby (printed in House, No. 5330,— being a message from His Honor the Lieutenant-Governor, Acting Governor),— was read.

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.

The Senate petition (accompanied by bill) of Stephen M. Brewer and Harold M. Lane, Jr., for legislation to further regulate the removal of certain underground storage tanks,— came from the House with the endorsement that said branch had concurred in the suspension of Joint Rule 12; and had NON-concurred in the reference to the committee on Natural Resources and Agriculture. The petition bore the further endorsement that the House had referred the matter to the committee on Public Safety.

On motion of Mr. Norton, the Senate insisted on its reference to the committee on Natural Resources and Agriculture.

The matter was sent to the House endorsed accordingly.

A petition (accompanied by bill, House, No. 5414) of Harold P. Naughton, Jr., and Robert A. Antonioni for legislation to authorize the town of Princeton to grant certain easements to Worcester County for drainage purposes,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Local Affairs.**

Communications.

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133
April 2, 1998.

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

Dear Mr. Clerk:

Unfortunately, on Thursday, April 2, 1998, I was unable to be present in the Senate Chamber during two roll call votes.

Had I been present, I would have voted in the affirmative in regard to the following matters:

- Enactment of House Bill Number 2396, "An Act Authorizing the Division of Capital Planning and Operations to Convey Certain Land in the City of Boston."
- Enactment of Senate Bill Number 2154, "An Act Establishing a Revolving Trust Fund to Aid in the Financing of Drinking Water Projects."

I respectfully request that this notice be placed on record and printed in the Senate Journal.

Sincerely,

STEVEN C. PANAGIOTAKOS,
State Senator,
First Middlesex District.

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

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133
April 2, 1998.

Mr. Edward B. O'Neill
Clerk of the Massachusetts Senate

State House
Boston, Massachusetts 02133

Dear Mr. Clerk:

Due to a long-standing commitment, I will be out of town on April 2, 1998 and therefore not present for a roll call vote on House, No. 5299, a bill relative to environmental cleanup and promoting the redevelopment of contaminated property. Had I been present I would have voted in the affirmative with regard to this matter.

I respectfully request that this notice be placed on record and be printed in the Journal of the Senate.

Sincerely,

ROBERT A. HAVERN,
State Senator,
Fourth Middlesex District.

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

Resolutions.

Resolutions (filed by Mr. Birmingham) "honoring Boston police officers, Paul Donahue and Tim Connolly", were referred, under the rule, to the committee on Rules.

Subsequently, Mr. Norton, 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. Durand, and adopted.

Resolutions (filed by Mr. Durand) "honoring Ruthie Marlowe on the joyous occasion of her seventieth birthday", were referred, under the rule, to the committee on Rules.

Subsequently, Mr. Norton, 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. Durand, and adopted.

Resolutions (filed by Mr. Lynch) "honoring Boston Emergency Medical Services", were referred, under the rule, to the committee on Rules.

Subsequently, Mr. Norton, 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. Durand, and adopted.

Resolutions (filed by Mr. Keating) "congratulating Harris A. Rusty' Tracy, Jr., on receiving the Eagle Award of the Boy Scouts of America", were referred, under the rule, to the committee on Rules.

Subsequently, Mr. Norton, 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. Durand, and adopted.

Resolutions (filed by Mr. Knapik) "commending John R. Harrison for his bravery during a devastating fire", were referred, under the rule, to the committee on Rules.

Subsequently, Mr. Norton, 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. Durand, and adopted.

Order Adopted.

On motion of Mr. Norton,—

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.

On motion of Mr. Lees, at thirteen minutes past eight o'clock P.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.