

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, May 14, 1998.

Met at twenty-six minutes past one o'clock P.M.

Communications.

Communications from the various Regional Employment and Training Boards (under the provisions of Section 105(a)(1) of P.L. 97-300, the Federal Job Training Partnership Act of 1982) submitting copies of the employment and training plan modifications for fiscal year 1999-2000:

From the Greater Lowell Regional Employment Board for the Southern Essex and Northern Middlesex service delivery areas (received Wednesday, February 25, 1998);

From the North Central Massachusetts Regional Employment Board for the North Central service delivery area (received Monday, March 2, 1998);

From the Bristol County Training Consortium (received Friday, April 3, 1998);

From the Job Training and Employment Corporation for the Cape Cod, Martha's Vineyard and Nantucket service delivery area (received Wednesday, April 8, 1998);

From Mount Wachusett Community College for the dislocated worker services unit of the Career Center of North Central Massachusetts (received Thursday, April 9, 1998);

From the Metro South/West Regional Employment Board (received Thursday, April 9, 1998);

From the Hampden County Employment and Training Consortium for the Hampden County service delivery area (received Thursday, April 9, 1998);

From the Metro North Regional Employment Board (received Friday, April 10, 1998);

From the Lower Merrimack Valley Regional Employment Board (received Friday, April 10, 1998);

From the Office of Jobs and Community service in the City of Boston (received Friday, April 10, 1998);

From the Brockton Regional Employment Board (received Friday, April 10, 1998);

From New Directions for the New Bedford service delivery area (received Friday, April 10, 1998);

From Career Center of North Central Massachusetts (received Friday, April 10, 1998);

From the South Coastal Career Development Administration for the South Coastal service delivery area (received Monday, April 13, 1998);

From the Worcester City Manager's Office of Employment and Training for the Southern Worcester County service delivery area (received Monday, April 13, 1998);

From the Franklin/Hampshire Private Industry Council for the Franklin/Hampshire service delivery area (received Monday, April 13, 1998); and

From the Berkshire Training and Employment Program for the Berkshire County service delivery area (received Monday, April 13, 1998);

Were severally read and placed on file.

Petition.

Mr. Tarr presented a petition (accompanied by bill, Senate, No. 2212) of Bruce E. Tarr and Forrester A. Clark, Jr. (by vote of the town) for legislation relative to the operation of the Ipswich system of sewers,— **and the same was referred, under Senate Rule 20, to the committee on Local Affairs.**

Sent to the House for concurrence.

Reports of Committees.

By Mr. Morrissey, for the committee on Government Regulations, on petition (accompanied by bill, Senate, No. 2147), a Bill regulating telephone sales of state lottery wagers or tickets (Senate, No. 2211);

Read and, under Senate Rule 27, referred to the committee on Ways and Means.

By Mr. Morrissey, for the committee on Government Regulations, on Senate, Nos. 2052 and 2086, a Bill relative to the Board of State Examiners of Plumbers (Senate, No. 2052); and

By Ms. Fargo, for the committee on Local Affairs, on the message of His Honor the Lieutenant-Governor, Acting Governor, a

Bill validating the action taken at the annual town meeting of the town of Brookline (printed in Senate, No. 2198);
Severally read and, under Senate Rule 26, referred to the committee on Steering and Policy.

By Ms. Fargo, for the committee on Local Affairs, on petition, a Bill authorizing the release of certain easements in the city of Worcester (Senate, No. 2200) [Local approval received];

Read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

By Mr. Morrissey, for the committee on Government Regulations, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 1892) of Andrea F. Nuciforo, Jr., and others (with the approval of the mayor and city council) for legislation to authorize the city of Pittsfield to sell alcoholic beverages not to be drunk on the premises on Sundays and legal holidays;

Referred, under Senate Rule 36, to the committee on Steering and Policy.

Committee Discharged.

Mr. Clancy, for the committee on Rules, reported, in part, on the Senate 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 certain current Senate and House documents (Senate, No. 1869), asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 845) of the Massachusetts District Attorneys Association, by Thomas F. Reilly, president, William R. Keating, John D. O'Brien, James P. Jajuga and L. Scott Harshbarger, Attorney General, for legislation relative to the assessment of costs and attorneys' fees in interlocutory appeals; and

Of the petition (accompanied by bill, Senate, No. 926) of Charles E. Shannon for legislation relative to mechanics liens for labor and materials;

And recommending that the same severally be recommitted to the committee on the Judiciary.

Under Senate Rule 36, the reports were severally considered forthwith and accepted.

Papers from the House

A Bill making appropriations for the fiscal year nineteen hundred and ninety-nine for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 5501, printed as amended,— on House, No. 1A, in part),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A Bill relative to a certain easement in the town of Wilmington (printed in House, No. 5268,— being a Message from His Honor the Lieutenant-Governor, Acting Governor),— **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:

Bills

To maintain privacy (Senate, No. 2144);

Authorizing the Lynn Water and Sewer Commission to enter into contracts for the lease, financing, design and construction of modifications for the water works system and sewer works system and the operation, maintenance, repair and replacement of the water and wastewater treatment plants, pump stations and combined sewer overflow consolidation and treatment facilities (Senate, No. 2192);

Authorizing the Governor to designate an additional justice of the peace in the town of West Bridgewater (House, No. 293);

Relative to production of records for review by the State Auditor (House, No. 2780);

Authorizing the city of Worcester to convey a conservation restriction to the Greater Worcester Land Trust, Inc. (House, No. 4814);

Relative to the membership of the conservation commission of the town of West Tisbury (House, No. 5182);

Relative to the membership of the conservation commission of the town of Falmouth (House, No. 5193);

Relative to a certain retired employee of the town of Reading (House, No. 5389); and

Authorizing the Registrar of Motor Vehicles to update address information (House, No. 5401);

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

The Senate bills

To improve access to services of a nurse midwife (Senate, No. 2204); and

Correcting and extending the one trial system for civil cases in Norfolk and Middlesex counties (Senate, No. 2205);

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

Severally sent to the House for concurrence.

The House Bill relative to the transfer of certain fishing licenses (House, No. 91,— **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 House Bill relative to certain transactions by the Massachusetts Water Resources Authority (House, No. 3680, changed),— **was read a second time and ordered to a third reading.**

The Senate Bill providing for the distribution of information to certain non-custodial parents of children enrolled in elementary and secondary schools (Senate, No. 270, changed),— was read a third time.

Mr. Magnani moved that the bill be amended by substituting a new draft entitled "An Act providing for the distribution of information to certain parents of children enrolled in elementary and secondary schools." (Senate, No. 2209).

The amendment was adopted.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-seven minutes before two o'clock P.M., on motion of Mr. Magnani, as follows, to wit (yeas 37 — 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.

Fargo, Susan C.

Havern, Robert A.

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.

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.

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.

— 37.

NAYS. — 0

ABSENT OR NOT VOTING.

Durand, Robert A.

Norton, Thomas C.

— 2.

The yeas and nays having been completed at twenty-two minutes before two o'clock P.M., the new draft (Senate, No. 2209) was passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill relative to certain blood tests (Senate, No. 742, changed),— was read a third time.

Mr. Brewer moved that the bill be amended by substituting a new draft with the same title (Senate, No. 2210). The amendment was adopted.

The new draft (Senate, No. 2210) was then passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill defining child care resources and referral agencies (Senate, No. 2203),— **was read a third time; and, after remarks, it was passed to be engrossed.**

Sent to the House for concurrence.

The Senate Bill relative to reverse mortgage loans (Senate, No. 2206),— was read third time.

Mr. Rosenberg and Ms. Walsh moved that the bill be amended, in section 1, by striking out, in line 27, the words "sale or transfer of" and inserting in place thereof the following words:— "conveyance of title to"; in said section 1, by striking out, in lines 46 to 51, inclusive, the words "provided that such method of calculation may, subject to the approval of the commissioner, include, provide for compound interest and may also, at the option of the borrower, be contingent on the value of the property at closing or at maturity, or on changes in the value of said property between closing and maturity" and inserting in place thereof the following words:— "quote and, at the option of the borrower, may be contingent on the value of the mortgaged real estate at closing or at maturity or on changes in said value during the period between closing and maturity"; in said section 1, by striking out subparagraph (6), in lines 52 to 54, inclusive, and inserting in place thereof the following subparagraph:—

"(6) the method of disbursement of the proceeds of the loan to the borrower; provided, however, that at the request of the borrower, disbursement may be made to a third party pursuant to the terms of the loan agreement"; in said section 1, by striking out the paragraph, in lines 85 to 94, inclusive, and inserting in place thereof the following paragraph:—

"A bank shall not make a reverse mortgage loan as provided in this section until it has received a notice, in writing, that the prospective borrower has completed a reverse mortgage counseling program which has been approved by the executive office of elder affairs and which shall include instruction on reverse mortgage loans. Any such program shall include, but is not limited to, the subject matter of subparagraphs (1) to (9), inclusive, with respect to all reverse mortgage loan programs approved by the commissioner pursuant to this section. For the purpose of providing such counseling, said executive office of elder affairs shall establish and maintain a list of counseling programs approved by it and shall make such list available to all banks and to the public";

In section 2, by striking out, in line 26 the words "sale or transfer of" and inserting in place thereof the following words:— "conveyance of title to"; in said section 2, by striking out, in lines 49 to 54, inclusive, the words "provided that such method of calculation may, subject to the approval of the commissioner provide for compound interest and may also, at the option of the borrower, be contingent on the value of the property at closing or at maturity, or on changes in the value of said property between closing and maturity" and inserting in place thereof the following words:— "and, at the option of the borrower, may be contingent on the value of the mortgaged real estate at closing or at maturity or on changes in said value during the period between closing and maturity"; in said section 2, by striking out the subparagraph, in lines 55 to 57, inclusive, and inserting in place thereof the following subparagraph:—

"(6) the method of disbursement of the proceeds of the loan to the borrower; provided, however, that at the request of the borrower, disbursement may be made to a third party pursuant to the terms of the loan agreement."; and, in said section 2, by striking out the paragraph, in lines 92 to 100, inclusive and inserting in place thereof the following paragraph:—

"A credit union shall not make a reverse mortgage loan as provided for in this section until it has received notice, in writing, that the prospective borrower has completed a reverse mortgage counseling program which has been approved by the executive office of elder affairs and which shall include instruction on reverse mortgage loans. Any such program shall include, but is not limited to, the subject matter of subparagraphs (1) to (9), inclusive, of this section with respect to all reverse mortgage loan programs approved by the commissioner pursuant to this section. For the purpose of providing such counseling, said executive office of elder affairs shall establish and maintain a list of counseling programs approved by it and shall make such list available to all credit unions and to the public."

The amendment was adopted. The bill, as amended, was then passed to be engrossed. Subsequently, there being no objection, on motion of Ms. Walsh, the Senate considered no action having been taken on the question on passing the bill to be engrossed. After remarks, the recurring question on passing the bill to be engrossed was determined by a call of the yeas and nays, at ten minutes before two o'clock P.M., on motion of Ms. Walsh, as follows, to wit (yeas 37 — nays 0):

YEAS.

Amorello, Matthew J.

Montigny, Mark C.

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

Moore, Richard T.
Morrisey, Michael W.
Murray, Therese
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.

— 37.

NAYS. — 0

ABSENT OR NOT VOTING.

Durand, Robert A.

Norton, Thomas C.

— 2.

The yeas and nays having been completed at six minutes before two o'clock P.M., the bill (Senate, No. 2214, printed as amended) was passed to be engrossed.

Sent to the House for concurrence.

The House Bill establishing a commission on the status of women (House, No. 5199, amended),— was read a third time. After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at two minutes past two o'clock P.M., on motion of Ms. Melconian, as follows, to wit (yeas 37 — nays 0):

YEAS.

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

Montigny, Mark C.
Moore, Richard T.
Morrisey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.

Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Fargo, Susan C.
Havern, Robert A.
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.

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.

— 37.

NAYS. — 0

ABSENT OR NOT VOTING.

Durand, Robert A.

Norton, Thomas C.

— 2.

Ms. Melconian in the Chair,— the yeas and nays having been completed at eight minutes past two o'clock P.M., the bill was passed to be engrossed, in concurrence.

Distinguished Guests.

There being no objection, during consideration of the Orders of the Day, the President introduced, seated in the Senate gallery, the fourth grade class of Saint Mary's of the Hills School in Milton. The students were accompanied by their teacher, Kathy Hurley. They were the guests of Senator Joyce.

Orders of the Day.

The President in the Chair,— the House Bill relative to removal of eggs from female lobsters (House, No. 5246),— **was read a third time and passed to be engrossed, in concurrence.**

The House Bill further regulating junior operators' licenses (House, No. 5339),— was read a third time (its title having been changed by the committee on Bills in the Third Reading).

Pending the question on passing the bill to be engrossed,

Mr. Morrissey moved that the bill be amended, in section 3, by inserting after the word "vehicle", in line 36, the following words:— "after 7:00 p.m."

After remarks, the amendment was *rejected*.

Mr. Keating moved that the bill be amended by inserting after section 7 the following section:—

"Section 7A. Section 34A of chapter 138 of the General Laws, as so appearing, is hereby amended by inserting after the word "vehicle" in line 20, the following words:— provided, however, that in the case of a person holding a junior operators' license pursuant to section 8 of chapter 90, such suspension shall be for a period of 180 days."

After remarks, the amendment was adopted. Subsequently, there being no objection, on motion of Mr. Keating, the Senate

considered no action having been taken on this amendment. There being no objection, on motion of Mr. Keating, the amendment was withdrawn.

Mr. Keating then moved that the bill be amended by inserting after section 7 the following section:

"Section 7A. Section 34A of chapter 138 of the General Laws, as so appearing, is hereby amended by striking out, in line 19, the word "ninety" and replacing it with the following figure:— 180'."

After remarks, the amendment was adopted.

Mr. Rosenberg moved to further amend the bill, in section 3, by striking out, in line 60, the word "section" and inserting in place thereof the following word:— "paragraph".

The amendment was adopted.

Ms. Melconian, Ms. Murray, Mr. Rosenberg and Ms. Jacques moved to further amend the bill, in section 3, by inserting, after the word "operator", in line 37, the following words— "or an immediate family member of the operator".

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty minutes before three o'clock P.M., on motion of Mr. Panagiotakos, as follows, to wit (yeas 25 — nays 11):

YEAS.

Bernstein, Robert A.

Berry, Frederick E.

Brewer, Stephen M.

Clancy, Edward J., Jr.

Creedon, Robert S., Jr.

Havern, Robert A.

Hedlund, Robert L.

Jacques, Cheryl A.

Jajuga, James P.

Joyce, Brian A.

Knapik, Michael R.

Lees, Brian P.

Magnani, David P.

Melconian, Linda J.

Montigny, Mark C.

Morrissey, Michael W.

Murray, Therese

Nuciforo, Andrea F., Jr.

O'Brien, John D.

Pacheco, Marc R.

Rosenberg, Stanley C.

Shannon, Charles E.

Tarr, Bruce E.

Tisei, Richard R.

Travaglini, Robert E.

— 25.

NAYS.

Amorello, Matthew J.

Antonioni, Robert A.

Fargo, Susan C.

Keating, William R.

Lynch, Stephen F.

Moore, Richard T.

Panagiotakos, Steven C.

Pines, Lois G.

Rauschenbach, Henri S.

Tolman, Warren E.

Walsh, Marian.

— 11.

ABSENT OR NOT VOTING.

Durand, Robert A.

Norton, Thomas C.

Wilkerson, Dianne.

The yeas and nays having been completed at fifteen minutes before three o'clock P.M., the amendment was adopted.

Mr. Panagiotakos moved to further amend the bill by striking out section 9; and by striking out the emergency preamble. 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 one minute before three o'clock P.M., on motion of Ms. Melconian, as follows, to wit (yeas 36 — nays 0):

YEAS.

Amorello, Matthew J.	Melconian, Linda J.
Antonioni, Robert A.	Montigny, Mark C.
Bernstein, Robert A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Clancy, Edward J., Jr.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O'Brien, John D.
Fargo, Susan C.	Pacheco, Marc R.
Havern, Robert A.	Panagiotakos, Steven C.
Hedlund, Robert L.	Pines, Lois G.
Jacques, Cheryl A.	Rauschenbach, Henri S.
Jajuga, James P.	Rosenberg, Stanley C.
Joyce, Brian A.	Shannon, Charles E.
Keating, William R.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Warren E.
Lynch, Stephen F.	Travaglini, Robert E.
Magnani, David P.	Walsh, Marian.

NAYS. — 0

ABSENT OR NOT VOTING.

Durand, Robert A.	Wilkerson, Dianne.
Norton, Thomas C.	

The yeas and nays having been completed at three minutes past three 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. 2215]. Sent to the House for concurrence in the amendments.

The House Bill regulating the siting of communication towers (House, No. 5355)— was considered, the main question being on ordering the bill to a third reading.

Mr. Morrissey, Ms. Jacques, Mr. Nuciforo, Ms. Walsh, Messrs. Antonioni, Lynch, Panagiotakos and Bernstein and Ms. Fargo, Messrs. Rauschenbach, Havern, O'Brien and Tarr moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the following text:

"Section 3 of chapter 40A of the General Laws, as most recently amended by section 66 of chapter 164 of the acts of 1997, is hereby further amended by inserting after the word public.', in line 49, the following new paragraph:—

Notwithstanding any general or special law to the contrary, providers of personal wireless services as defined in section 704 of the Telecommunications Act of 1996 shall not be considered public service corporations. The provisions of this paragraph shall apply to every city or town, including, but not limited to the city of Boston and the city of Cambridge."

The amendment was adopted.

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

Papers from the House.

Engrossed Bill — State Loan.

An engrossed Bill providing for the use of certain types of securities in the financing of the Central Artery/Ted Williams Tunnel Project (see House, No. 5478, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage; and, after remarks, Ms. Melconian in the Chair, this being a bill providing for the borrowing of money, in accordance with the provisions of Section 3 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 twelve minutes past three o'clock P.M., as follows, to wit (yeas 37 — 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.

Fargo, Susan C.

Havern, Robert A.

Hedlund, Robert L.

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.

Rauschenbach, Henri S.

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.

Montigny, Mark C.

Rosenberg, Stanley C.

Shannon, Charles E.

Tarr, Bruce E.

Tisei, Richard R.

Tolman, Warren E.

Travaglini, Robert E.

Walsh, Marian

Wilkerson, Dianne.

ABSENT OR NOT VOTING.

Durand, Robert A.

Norton, Thomas C.

— 2.

The yeas and nays having been completed at seventeen minutes past three 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 — Land Taking for Conservation, Etc.

The President in the Chair,— an engrossed Bill relative to a certain conservation restriction in the town of Sudbury (see House Bill, printed in House, No. 5428) (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 eighteen minutes past three 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.

Creedon, Robert S., Jr.

Fargo, Susan C.

Havern, Robert A.

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.

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.

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.

— 36.

NAYS. — 0

ABSENT OR NOT VOTING.

Clancy, Edward J., Jr.

Norton, Thomas C.

Durand, Robert A.

— 3.

The yeas and nays having been completed at twenty-one minutes past three 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 city of Everett to use certain park land for school purposes (see Senate, No. 1792) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-two minutes past three 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.

Creedon, Robert S., Jr.

Fargo, Susan C.

Havern, Robert A.

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.

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.

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.

— 36.

NAYS. — 0

ABSENT OR NOT VOTING.

Clancy, Edward J., Jr.

Durand, Robert A.

Norton, Thomas C.

— 3.

The yeas and nays having been completed at twenty-six minutes past three 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 Returned by Acting Governor
With His Objections Thereto.*

The engrossed Bill regulating set off mutual debts and credits involving an insolvent insurer (see Senate, No. 623) which, on Thursday, March 12, 1998, had been laid before His Honor the Lieutenant-Governor, Acting Governor, for his approbation, and which, at eleven minutes before five o'clock P.M., on Friday, March 20, 1998, had been returned by the Acting Governor, under Article 11 of Section I of Chapter I of Part the Second of the Constitution, to the Senate Clerk, together with his objections thereto in writing,— was laid before the Senate.

The message (Senate, No. 2148) was read and the Senate proceeded to reconsider the bill, in accordance with the provisions of the Constitution.

The question on passing the bill, the objections of His Honor the Lieutenant-Governor, Acting Governor, to the contrary notwithstanding, was determined by a call of the yeas, and nays, at twenty-seven minutes past three o'clock P.M., as follows, to wit (yeas 35 — nays 0):

YEAS.

Amorello, Matthew J.	Montigny, Mark C.
Antonioni, Robert A.	Moore, Richard T.
Bernstein, Robert A.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O'Brien, John D.
Fargo, Susan C.	Pacheco, Marc R.
Havern, Robert A.	Panagiotakos, Steven C.
Hedlund, Robert L.	Pines, Lois G.
Jacques, Cheryl A.	Rauschenbach, Henri S.
Jajuga, James P.	Rosenberg, Stanley C.
Joyce, Brian A.	Shannon, Charles E.
Keating, William R.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Warren E.
Lynch, Stephen F.	Travaglini, Robert E.
Magnani, David P.	Wilkerson, Dianne.
Melconian, Linda J.	

— 35.

NAYS. — 0

ABSENT OR NOT VOTING.

Clancy, Edward J., Jr.	Norton, Thomas C.
------------------------	-------------------

Durand, Robert A.

Walsh, Marian.

— 4.

The yeas and nays having been completed at half past three o'clock P.M., the bill was passed by the Senate, notwithstanding the objections of the Acting Governor, two-thirds of the members present having agreed to pass the same.

Sent to the House for its action.

Papers from the House.

Engrossed Bills.

The following engrossed bills (the first two of which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the President and laid before the Acting Governor for his approbation, to wit:

Providing consumer protection relative to the sale of insurance by banks (see Senate, No. 1948, amended);

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 (see Senate, No. 1992, amended);

Relative to the form of government of the town of Sheffield (see House, No. 4679);

Establishing a board of water and sewer commissioners in the town of West Stockbridge (see House, No. 4817); and

Providing for the appointment of a treasurer/collector in the town of Egremont (see House, No. 5098).

Emergency Preamble Adopted.

An engrossed Bill authorizing certain conveyances in the town of Wilbraham (see Senate, No. 2196), 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.

Report 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 Michael W. Morrissey, Ronald Mariano, Michael G. Bellotti and A. Stephen Tobin (with the approval of the mayor and the city council) for legislation relative to the appointment of Joseph Jackson, Jr., and Thomas F. Bamberry, Jr., to the fire department of the city of Quincy.

Senate Rule 36 was suspended, on motion of Mr. Morrissey, 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.

Sent to the House for concurrence.

Order Adopted.

Ms. Pines presented the following order, to wit:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the joint committee on Natural Resources and Agriculture be granted until May 28, 1998, within which to make its final report on current Senate document numbered 2171, legislation relative to creating an exotic aquatic species plant control program.

The order was considered forthwith, and adopted.

Sent to the House for concurrence.

Papers from the House

A petition (accompanied by bill, House, No. 5514) of M. Paul Iannuccillo (with the approval of the mayor and city council) for legislation to provide that the director of public works of the city of Lawrence be a member ex-officio of the Greater Lawrence Sanitary District,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Natural Resources and Agriculture.**

Resolutions.

Resolutions (filed by Mr. Keating) "congratulating Richard Charette upon the occasion of his retirement as veterans' agent for the town of Norton", 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 Ms. Fargo, and adopted.

Resolutions (filed by Mr. Lees) "on the occasion of the one hundredth anniversary of the Envelope Division of Westvaco Corporation", 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 Ms. Fargo, and adopted.

Resolutions (filed by Mr. Montigny) "honoring former Senator Louis Bertozzi", 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 Ms. Fargo, and adopted.

Resolutions (filed by Mr. Montigny) "honoring former Representative John E. McDonough", 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 Ms. Fargo, and adopted.

Resolutions (filed by Mr. Montigny) "honoring David H. Mulligan, former commissioner of the Massachusetts Department of Public Health", 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 Ms. Fargo, and adopted.

Resolutions (filed by Mr. Pacheco) "honoring Bernadette L. Hemingway for her many years of service as the town clerk of Carver", 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 Ms. Fargo, and adopted.

Resolutions (filed by Mr. Shannon) "congratulating firefighter Philip R. Crispo on the occasion of his retirement from the Somerville Fire Department", 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 Ms. Fargo, and adopted.

Resolutions (filed by Messrs. Shannon and Birmingham) "honoring the Somerville Home upon the occasion of its one hundredth anniversary", 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 Ms. Fargo, and adopted.

Resolutions (filed by Mr. Tolman) "commemorating the one hundredth anniversary of the Oakley Country Club and the unveiling of the Donald Ross portrait", 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 Ms. Fargo, and adopted.

Resolutions (filed by Ms. Walsh) "congratulating Mary E. (O'Brien) Geary on the happy occasion of her eightieth birthday", 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 Ms. Fargo, and adopted.

Resolutions (filed by Ms. Wilkerson) "on the occasion of the retirement of Helen Cox", 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 Ms. Fargo, and adopted.

Papers from the House.

Emergency Preamble Adopted.

An engrossed Bill authorizing the Division of Capital Planning and Operations to enter into a lease of certain property with the town of Chelmsford (see House, No. 5340, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in**

concurrence, by a vote of 10 to 0.

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

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.

On motion of Mr. Lees, at twenty-one minutes before four o'clock P.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.