

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 28, 1998.

Met according to adjournment, at eleven o'clock A.M. (Mr. Norton in the Chair).

Appointments.

A communication was received from the President announcing the appointment of Senators Nuciforo and Fargo to serve on the steering committee of the Legislative Children's Caucus. **The communication was placed on file.**

Petition.

Mr. Morrissey presented a petition (subject to Joint Rule 12) of Michael W. Morrissey, A. Stephen Tobin, Ronald Mariano and Sergeant Robert M. Perchard for legislation to increase the penalties for certain crimes relative to the procuring of alcohol by minors,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Reports of Committees.

By Mr. Rosenberg, for the committee on Ways and Means, that the House Bill making appropriations for the fiscal year 1999 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), ought to pass, with an amendment.

Striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 1999; and by striking out the emergency preamble and inserting in place thereof the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is immediately to make appropriations for the fiscal year beginning July 1, 1998, and to make certain changes in law, each of which is immediately necessary or appropriate to effectuate said appropriations or for other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

[Direct Appropriation:	\$ 18,714,534,178
Retained Revenue Authorization:	\$ 799,858,798
Total:	\$ 19,514,392,977].

[Note: The report was filed in the Office of the Clerk of the Senate on Wednesday, May 27].

Referred, under Senate Rule 26, to the committee on Steering and Policy.

Subsequently, Mr. Berry, for the said committee on Steering and Policy, reported that the matter be placed in the Orders of the Day for Tuesday, June 2, pursuant to the provisions of Senate Rule 27A.

By Mr. Keating, for the committee on the Judiciary, on the recommitted petition, a Bill relative to assessment of costs and attorneys' fees in interlocutory appeals (Senate, No. 845);

By the same Senator, for the same committee, on the recommitted petition (accompanied by bill, Senate, No. 926), a Bill relative to mechanic's liens for labor and material (Senate, No. 2226);

By Ms. Pines, for the committee on Natural Resources and Agriculture, on petition (accompanied by bill, Senate, No. 2171), a Bill creating an exotic aquatic species plant control program (Senate, No. 2227); and
By Mr. Moore, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for John B. Kelly, Jr., an employee of the Norfolk Sheriff's Department (Senate, No. 2213);
Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

By Mr. Moore, for the committee on Public Service, on petition, a Bill relative to the appointment of Joseph Jackson, Jr., and Thomas F. Bamberry, Jr., to the fire department of the city of Quincy (Senate, No. 2221) [Local approval received];
Read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Papers from the House.

A Bill relative to liability insurance for day care facilities (House, No. 5344,— on House, No. 2119),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Bills

Relative to school bus inspections (House, No. 2360,— on petition); and
Relative to an advisory committee of the Department of Mental Health (House, No. 2492,— on petition);
Were severally read and, under Senate Rule 26, referred to the committee on Steering and Policy.

Bills

Authorizing the imposition of fees for the employment of certain outside consultants by the town of East Longmeadow (House, No. 2719,— on petition) [Local approval received];
Authorizing the town of Marshfield to establish a land acquisition fund (House, No. 5223,— on petition) [Local approval received]; and
Authorizing the town of North Reading to convey certain conservation land (House, No. 5473,— on petition) [Local approval received];
Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5543) of Colleen M. Garry (by vote of the town) that the town of Tyngsborough be authorized to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises to NE Restaurant Company, Incorporated;

To the committee on Government Regulations.

Petition (accompanied by bill, House, No. 5544) of John A. Lepper and Cheryl A. Jacques (with the approval of the mayor and municipal council) that the retirement board of the city of Attleboro be authorized to grant a disability retirement pension under the "heart law", so-called to police captain Walter L. Heagney, Jr.; and

Petition (accompanied by bill, House, No. 5545) of Pamela P. Resor and Robert A. Durand (by vote of the town) for legislation to exempt the position of chief of police in the town of Acton from the provisions of civil service law;

Severally to the committee on Public Service.

Petition (accompanied by bill, House, No. 5546) of Cele Hahn and Michael R. Knapik (with the approval of the mayor and city council) that the city of Westfield be authorized to abate and refund certain property taxes to Lawrence G. Talbot of said town;

To the committee on Taxation.

A message from His Honor the Lieutenant-Governor, Acting Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to the annual town meeting held in the town of Carver in 1998 (House, No. 5539),— **was referred, in concurrence, to the committee on Local Affairs.**

Resolutions.

Resolutions (filed by Messrs. Amorello and Bernstein) "congratulating Dr. Norman G. Limoges on the occasion of his retirement as Superintendent of the Leicester Public Schools", 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. Knapik, and adopted.

Resolutions (filed by Mr. Clancy) "honoring Bernard J. Fennell", 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. Knapik, and adopted.

Resolutions (filed by Mr. Durand) "honoring William J. Bisset upon his retirement from Hudson High School", 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. Knapik, and adopted.

Resolutions (filed by Mr. Durand) "honoring Thomas W. McAuliffe for his many years of public service and community involvement in the town of Southborough", 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. Knapik, and adopted.

Resolutions (filed by Mr. Keating) "commending Massachusetts Legal Assistance Corporation for its commitment to expanding civil legal services to needy residents of Massachusetts", 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. Knapik, and adopted.

Resolutions (filed by Mr. Lees) "honoring Harold J. Hal' Martin on the occasion of being named District Governor of Lions Club International District 33-Y", 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. Knapik, and adopted.

Resolutions (filed by Mr. Pacheco) "honoring Joan M. Walsh for her twenty years of dedicated service as Superintendent of the Old Rochester Regional School District", 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. Knapik, and adopted.

Resolutions (filed by Messrs. Tolman, Creedon, Lynch and Ms. Wilkerson) "honoring Dean Aviam Soifer of Boston College Law School", 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. Knapik, and adopted.

Matters Taken Out of the Orders of the Day.

There being no objection, the following matters were taken out of the Orders of the Day and considered, as follows:

The Senate Bill validating the action taken at an annual town meeting of the town of Brookline (printed in Senate, No. 2198),—**was read a second time, ordered to a third reading, read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The House Bill exempting certain employees of the city of Westfield from the civil service law (House, No. 5231, changed),—**was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act exempting certain positions in the city of Westfield from the civil service law."**

Papers from the House. Engrossed Bills.

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

Relative to proceedings for the foreclosure of mortgages under the Soldiers' and Sailors' Civil Relief Act (see Senate, No. 14, changed); and

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

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House No. 5552) of Evelyn G. Chesky and other members of the General Court for legislation to authorize the sale of lottery tickets at the Soldiers' Home in Holyoke;

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

Petition (accompanied by bill, House No. 5553) of Nancy Flavin and Michael R. Knapik that the Registrar of Motor Vehicles be authorized to issue distinctive license plates bearing the words "First U.S. Auto";

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

Petition (accompanied by bill, House No. 5554) of Shaun P. Kelly and Andrea F. Nuciforo, Jr., for legislation to authorize the Division of Capital Planning and Operations to grant a certain permanent easement to the town of Hinsdale for the purpose of

providing sewer service to the area surrounding Ashmere Lake;
Under suspension of Joint Rule 12, to the committee on State Administration.

Reports of Committees.

By Mr. Norton, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Frederick E. Berry and Theodore C. Speliotis for legislation to authorize the Division of Capital Planning and Operations to convey a certain parcel of land in the town of Danvers.

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

Sent to the House for concurrence.

By Mr. Rosenberg, for the committee on Ways and Means, that the House Bill making appropriations for the fiscal year 1998 to provide for certain capital and supplemental appropriations (House, No. 5427), ought to pass, with amendments:

Striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2225; and by inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to make appropriations for various capital improvements and other one time costs and to make certain changes in law, each of which is immediately necessary or appropriate to effectuate said appropriations or for other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience".

There being no objection, the rules were suspended, on motion of Mr. Moore, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The bill, as amended, was then ordered to a third reading.

Senate Order Adopted.

Ms. Melconian offered the following order, to wit:

Ordered, That, notwithstanding the provisions of any rule to the contrary, full consideration, without delay, shall be allowed on the House Bill making appropriations for the fiscal year 1998 to provide for certain capital and supplemental appropriations (House, No. 5427), when said matter comes before the Senate. The bill will be before the Senate on or after June 2. All amendments, offered by members, must be filed in the Senate Clerk's Office no later than five o'clock P.M. on Friday, May 29.

There being no objection, the order was considered forthwith, and adopted.

Distinguished Guest.

The Chair (Mr. Norton) introduced former Senator William Q. MacLean, Jr. Former Senator MacLean was a guest of Senate Majority Leader Thomas C. Norton.

Recess.

At ten minutes past eleven o'clock A.M., the Chair (Mr. Norton) declared a recess subject to the call of the Chair; and, at fourteen minutes before twelve o'clock noon, the Senate reassembled, Mr. Norton in the Chair.

Papers from the House.

Orders Adopted.

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

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Local Affairs be granted until Friday, December 18, 1998, within which time to make its final report on a Senate document numbered 988; and House documents numbered 5213 and 5388.

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

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Human Services and Elderly Affairs be granted until Monday, June 29, 1998 within which to make its final report on current Senate document numbered 2170, relative to a community care ombudsman and current House document numbered 5488, relative to the regulation of the au pair industry.

Emergency Preamble Adopted.

An engrossed Bill making certain corrective changes in certain general and special laws (see Senate, No. 2101), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 3 to 0.** The bill was signed by Mr. Norton, Acting President, and sent to the House for enactment.

Recess.

At twelve minutes before twelve o'clock noon, the Chair (Mr. Norton) declared a recess subject to the call of the Chair; and, at thirteen minutes past twelve o'clock noon, the Senate reassembled, the President in the Chair.

Papers from the House.

Engrossed Bill.

An engrossed Bill validating the action taken at an annual town meeting of the town of Brookline (see Senate Bill, printed in Senate, No. 2198) (which originated in the Senate), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted, two-thirds of the members present having voted in the affirmative, and it was signed by the President and laid before the Acting Governor for his approbation.**

Order Adopted.

On motion of Mr. Knapik,—

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. Knapik, at fourteen minutes past twelve o'clock noon, the Senate adjourned to meet on the following Monday at eleven o'clock A.M.