

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.



Wednesday, August 5, 1998.

Met at seven minutes past eleven o'clock A.M.

Petition.

Mr. Lees (by request) presented a petition (subject to Joint Rule 12) of JoAnne O'Neill for legislation relative to small business,— **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. Keating, for the committee on the Judiciary, on the recommitted petition (accompanied by bill, Senate, No. 896), 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 Senate document numbered 896, relative to reforming the civil justice system (Senate, No. 2324);

Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Pacheco, for the committee on State Administration, on petition (accompanied by bill, Senate, No. 2054), a Bill authorizing a governmental body to enter into contracts for the operation and maintenance, lease or sale and modification of water storage and treatment facilities and wastewater treatment facilities, collection and distribution systems, sewers and pump stations (Senate, No. 2317);

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

By Mr. Keating, for the committee on the Judiciary, on petition (accompanied by bill, Senate, No. 2262), a Bill relative to the use of a signed certificate as prima facie evidence in drug trials (Senate, No. 2310);

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

Papers from the House

Bills

Relative to the retirement credit for members of the Department of State Police (House, No. 376, changed,— on petition);

Authorizing the State Retirement Board to grant creditable service to Celeste Loughman (House, No. 797,— on petition);

Relative to a certain subsidy in the town of Rowe (House, No. 3411, amended,— on petition);

Relative to technical assistants in Hampden county (House, No. 4245, amended,— on petition);

Authorizing the Division of Capital Planning and Operations to sell and convey certain land to the town of Tewksbury (House, No. 4535, amended,— on House, No. 4094);

Relative to the administration of the unemployment insurance system (House, No. 5336, amended,— on House, No. 3590) (Senator Lynch of the committee on Commerce and Labor dissenting);

Relative to state and local retirees (printed in House, No. 5369, changed and amended,— being a message from His Honor the

Lieu tenant Governor, Acting Governor);
Relative to granting cost of living adjustments to non-contributory retirees (House, No. 5469,— on House, No. 5180) [Local approval received on House, No. 5180];
Relative to telephone prepaid calling cards (House, No. 5564,— on Senate, No. 2193);
Providing benefits for certain parents and spouses of veterans (House, No. 5598, amended,— on House, No. 5452);
Authorizing Timothy S. Rogers, an employee of the Common wealth of Massachusetts, to become a member of the state retirement system (House, No. 5730,— on petition);
Relative to certain employment at the Massachusetts Fire Fighting Academy (House, No. 5737,— on House, No. 2182);
Relative to gambling aboard ships (House, No. 5758,— on House, No. 4831, in part); and
Relative to prioritizing risks to public health and the environment (House, No. 5762,— on House, No. 1499);
Were severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

Bills

Relative to the availability of certain criminal records to law enforcement agencies (House, No. 5403,— on House, No. 5362);
Relative to the annual observance of Gold Star Parents Day (House, No. 5437,— on petition);
Validating certain action taken at a special town meeting of the town of Oxford (printed in House, No. 5494,— being a message from His Honor the Lieutenant Governor, Acting Governor);
Relative to the sale of alcoholic beverages (House, No. 5524,— on Senate, No. 391);
Designating a certain bridge in the city of Lowell as the Frank W. Grady Bridge (House, No. 5695, changed,— on petition);
Authorizing the Massachusetts Water Resources Authority to grant access to its sewer system to certain property in the town of Sharon (House, No. 5721,— on petition); and
Relative to the Cambridge Public Health Commission (House, No. 5741,— on petition);
Were severally read and, under Senate Rule 26, referred to the committee on Steering and Policy.

Bills

Relative to the Massachusetts Technology Development Corporation (House, No. 4429, amended,— on petition); and
To authorize the Massachusetts Technology Collaborative to undertake certain activities to stimulate economic growth within the Commonwealth (House, No. 5779, printed as amended,— on House, Nos. 4423 and 4426);
Were severally read and, under Senate Rule 26A, referred to the committee on Science and Technology.

Bills

Providing for the acquisition of vacant and blighted properties by the city of Lawrence (House, No. 5619,— on petition) [Local approval received]; and
Authorizing the town of Mashpee to transfer certain land (House, No. 5698,— on petition) [Local approval received];
Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Distinguished Guests.

The President recognized, seated in the rear of the Senate Chamber, the Prince of Wales American Regiment and the Kings Orange Rangers from Nova Scotia. Accompanying the group was Mr. John G. Leefe, a member of the House of Assembly in Nova Scotia. The delegation was the guest of Senator Tarr.

Committee Changes.

The President announced the resignation of Senator Jacques of Norfolk, Bristol and Middlesex as a member of the committee on Bills in the Third Reading and the appointment of Senator Bernstein of First Worcester to fill the vacancy.

Communication.

The Clerk read the following communication which was received in the Senate Clerk's Office on Monday, August 3, 1998.

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133

August 3, 1998.

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

Dear Mr. O'Neill:

I respectfully request that you formally place my resignation from the Honorable Massachusetts State Senate into effect as of today, Monday, August 3, 1998. From this day forward, please remove my name from the roll call roster.

Sincerely,

JOHN D. O'BRIEN,
State Senator,
Second Essex and Middlesex.

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

Report of a Committee.

By Mr. Rosenberg, for the committee on Ways and Means, that the House Bill authorizing the establishment of the South Shore tri-town development corporation (House, No. 5528, amended), ought to pass, with amendments:

In section 6, in paragraph (p), by striking out the words "and other instruments but not project labor agreements" (inserted by amendment by the House) and inserting in place thereof the following words:— , project labor agreements and other instruments; and

In section 6, in paragraph (z), by striking out the words "and other agreements but not project labor agreements" (inserted by amendment by the House) and inserting in place thereof the following words:— , project labor agreements, and other agreements; and by inserting after section 27 the following section:—

"SECTION 27A. The corporation or its agent may enter into project labor agreements covering construction performed on and during redevelopment of the NAS South Weymouth Redevelopment Area pursuant to paragraphs (p) and (z) of section 6 of this act."

There being no objection, the rules were suspended, on motion of Mr. Morrissey, 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 ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence in the amendments adopted by the Senate.

Resolutions.

Resolutions (filed by Mr. Lees) "in honor of Springfield's sister city, Viterbo, Italy", were referred, under the rule, to the committee on Rules.

Subsequently, Mr. Birmingham, 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 Leonard S. Vadala upon the happy occasion of his retirement", were referred, under the rule, to the committee on Rules.

Subsequently, Mr. Birmingham, 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.

Reports of Committees.

By Mr. Birmingham, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Richard T. Moore, George N. Peterson, Jr., and Russell W. Trottier, Jr., for legislation relative to smoking in flea markets, co-called.

Senate Rule 36 was suspended, on motion of Mr. Moore, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Health Care.

By Mr. Birmingham for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Warren E. Tolman and Steven A. Tolman for legislation relative to area code policy and consumer protection in the Commonwealth.

Senate Rule 36 was suspended, on motion of Mr. Moore, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Government Regulations. Severally sent to the House for concurrence.

Recess.

At eighteen minutes past eleven o'clock A.M., the President declared a recess subject to the call of the Chair; and at five minutes before twelve o'clock noon, the Senate reassembled, the President in the Chair.

Report of a Committee.

Mr. Rosenberg, for the committee on Ways and Means, reported, in part, on House, No. 5114, a "Bill providing for the construction of certain facilities of the Massachusetts Port Authority" (Senate, No. 2325).

The bill was read. There being no objection, the rules were suspended, on motion of Mr. Lynch, and the bill (Senate, No. 2325) 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.

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

To provide access to certain commuter rail stations of the Massachusetts Bay Transportation Authority (see Senate, No. 2290); Providing for registration of bicycle messenger services and licensing of commercial messengers in the city of Boston (see House, No. 5682, changed); and

Relative to establishing a land bank fund in the town of Marion (see House, No. 5756).

Recess.

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

Papers from the House.

Emergency Preamble Adopted.

An engrossed Bill abolishing the county governments of Hampshire, Essex and Berkshire counties, and transferring essential county functions to the Commonwealth (see House, No. 5780), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 3 to 0.**

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

Committee Changes.

The President announced the resignation of Senator Bernstein of First Worcester as a member of the committee on Bills in the Third Reading and the reappointment of Senator Jacques of Norfolk, Bristol and Middlesex thereto.

Order Adopted.

On motion of Mr. Morrissey,—

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

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