

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.



Tuesday, January 5, 1999.

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

Reports.

A report of the Executive Office of Public Safety (under the provisions of Section 422 of Chapter 194 of the Acts of 1998) relative to curbing frivolous inmate litigation (received Thursday, December 31, 1998),— **was placed on file.**

Reports of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspection of certain correctional facilities in the Commonwealth:
Of the MCI-Bridgewater Complex Kitchen, in the town of Bridgewater (received Thursday, December 31, 1998); and
Of the Massachusetts Boot Camp, in the town of Bridgewater (received Thursday, December 31, 1998),— **were severally read and sent to the House for its information.**

A report of the Senate committee on Post Audit and Oversight (under the provisions of Section 63 of Chapter 3 of the General Laws, as most recently amended by Chapter 557 of the Acts of 1986) entitled "Warranting Improvement: Reforming the Arrest Warrant Management System" (Senate, No. 2381) (received Tuesday, January 5, 1999),— **was placed on file.**

Bill Recalled from the Acting Governor Laid Before the Senate.

On motion of Mr. Moore, 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 school bus inspections (see House, No. 2360, amended).

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

There being no objection, on motion of Mr. Moore, 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 an amendment presented by Mr. Jajuga by striking out clause (18) and inserting in place thereof the following clause:—

"(18) every school bus operated on any way shall be chassis model 1977 or any subsequent model year."

Sent to the House for concurrence in the amendment.

Papers from the House

A Bill designating a certain bridge in the city of North Adams as the Anthony J. Sacco, Sr. Bridge (House, No. 5894,— on petition),— was read.

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

Engrossed Bill.

An engrossed Bill authorizing the imposition of fees for the employment of certain outside consultants by the town of East Longmeadow (see House, No. 2719) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the President and laid before the Acting Governor for his approbation.**

The Senate Bill authorizing certain nonresidents to solemnize marriages (Senate, No. 2354),— came from the House passed to be engrossed, in concurrence, *with an amendment*:

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

"SECTION 1. Section 38 of chapter 207 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out, in line 5, the word "a" and inserting in place thereof the following words:— an invested or certified cantor or.

SECTION 2. Section 39 of said chapter 207, as so appearing, is hereby amended by striking out, in line 14, the first time it appears, the word 'a' and inserting in place thereof the following words:— an invested or certified cantor or duly ordained."

The rules were suspended, on motion of Ms. Wilkerson, and the House amendment was considered forthwith.

Ms. Jacques presented the following amendment to the House amendment:

Striking out all after the enacting clause and inserting in place thereof the following text:—

"SECTION 1. Section 38 of chapter 207 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out, in line 5, the word 'a' and inserting in place thereof the following words:— a commissioned cantor or.

SECTION 2. Section 39 of said chapter 207, as so appearing, is hereby amended by striking out, in line 14, the first time it appears, the word 'a' and inserting in place thereof the following words:— a commissioned cantor or duly ordained.

SECTION 3. The second paragraph of said section 39 of said chapter 207, as so appearing, is hereby amended by inserting after the first sentence the following sentence:— A nonresident may solemnize a marriage according to the usage of any church or religious organization which shall have complied with the provisions of the second paragraph of section 38."

The further amendment (Jacques) was adopted.

The Senate then concurred in the House amendment, as amended.

Sent to the House for concurrence in the further amendment.

The engrossed Bill relative to making certain changes in the laws of the Commonwealth (Senate, No. 2375, amended),— came from the House, amended as follows:

By striking out section 5 (inserted by amendment by the House) and inserting in place thereof the following section:

"SECTION 5. This act shall take effect as of December 31, 1998."

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

Recess.

There being no objection, at eighteen minutes past eleven o'clock A.M., the President declared a recess subject to the call of the Chair; and, at twenty-two minutes before three o'clock P.M., the Senate reassembled, the President in the Chair.

Papers from the House

The Senate Bill punishing concealment of certain assets relative to spousal and child support (Senate, No. 1935),— came from the House with the endorsement that the House had concurred in the further Senate amendments (for amendments, see Senate Journal pages 2480-2481),— *with a still further amendment* striking out section 2 (inserted by amendment by the House) and inserting in place thereof the following section:

"SECTION 2. Chapter 231 of the General Laws is hereby amended by inserting after section 85Y the following section:—

Section 85Z. A person who has been adjudged to be in contempt of an order or judgment for child support entered pursuant to chapter 119, 207, 208, 209, 209A, 209C, 209D or 273 who knowingly makes a conveyance without fair consideration to an individual shall be liable in a civil action to the obligee under said order or judgment in an amount equal to the conveyance made. A person shall not be liable hereunder if the conveyance made does not exceed \$100 in value in any calendar year.

For the purpose of this section, conveyance shall mean any payment of money, gift, assignment, transfer or lease of tangible or intangible property.

A conveyance shall be deemed to be made without fair consideration unless the conveyance was made in exchange for property or goods of equal value or to satisfy an existing debt created in good faith."

The rules were suspended, on motion of Ms. Murray, and the further House amendment was considered forthwith and adopted, in concurrence.

A Bill authorizing the town of Dennis to convey a certain parcel of land (printed in House, No. 5906,— being a message from His Honor the Lieutenant Governor, Acting Governor),— was read.

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

A Bill relative to the siting of certain waste facilities (House, No. 5868, changed,— on petition),— 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.

A Bill relative to certain insurance benefits for part time elected officials of the town of Carver (House, No. 5711,— on petition) [Local approval received],— was read.

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

A Bill authorizing the town of Holbrook to establish a betterment reserve fund (printed in House, No. 5897,— 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. Fargo, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Emergency Preambles Adopted.

An engrossed Bill relative to making certain changes in the laws of the Commonwealth (see Senate, No. 2375, 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 6 to 0.**

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

An engrossed Bill relative to extending the reporting date for the special commission established to make an investigation and study of low income housing in the city of Lowell (see Senate, No. 2379), 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 5 to 0.**

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

An engrossed Bill relative to the terms of certain bonds and notes issued by the Commonwealth (see House Bill, printed in House, No. 5830, 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 5 to 0.**

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

Engrossed Bills.

An engrossed Bill limiting the liability of adult foster caregivers (see Senate, No. 2031, amended) (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 reenacted and was signed by the President and again laid before the Acting Governor for his approbation.**

The following engrossed bills (the first six 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:

Reforming the tax laws of the Commonwealth (see Senate, No. 2302, amended);

To implement a program of reemployment assistance to employees terminated as a result of the restructuring of the utility industry (see Senate, No. 2332, amended);

Relative to a certain sewer connection in the town of Walpole (see Senate, No. 2336, amended);

Making changes to certain laws (see Senate, No. 2367, amended);

Granting an easement to the Holyoke Community College Foundation (see Senate, No. 2370);

Relative to the Annie E. Casey Foundation Initiative (see Senate, No. 2377);

Relative to certain actions of the Board of Bank Incorporation and the Commissioner of Banks (see House, No. 41, amended);

Relative to the Division of Environmental Law Enforcement (see House, No. 89, amended);

Relative to fire departments (see House, No. 990, amended);

Authorizing the Department of Revenue to make a certain refund (see House, No. 1233, changed);

Relative to the optional retirement program for certain public employees (see House, No. 2193, amended);

Relative to school bus inspections (see House, No. 2360, amended);

Relative to technical assistants (see House, No. 4245, amended);

Designating a certain bridge in the Roslindale section of the city of Boston as the Chief Petty Officer Paul N. Donato, U.S.N. Bridge (see House, No. 4727, amended);

Authorizing the town of Brookline to establish the number of signatures required for petitioned articles for town meeting (see

House, No. 5726);
Providing for recall elections in the town of Boxborough (see House, No. 5732);
Relative to vacancies in the town council of the town of Greenfield (see House, No. 5827, changed);
Authorizing the city of Holyoke to issue certain pension obligation bonds (see House, No. 5863, amended);
Making certain corrective changes in certain general and special laws (see House, No. 5885);
Designating a certain bridge in the city of North Adams as the Anthony J. Sacco, Sr. Bridge (see House, No. 5894);
Authorizing Thomas A. Zine to be admitted into the State Police Academy notwithstanding the maximum age requirement (see House, No. 5896); and
Authorizing the town of Brookline to establish a retiree healthcare liability trust fund (see House, No. 5899).

Recess.

There being no objection, at fourteen minutes before three o'clock P.M., the President declared a recess subject to the call of the Chair; and, at thirteen minutes past three o'clock P.M., the Senate reassembled, the President in the Chair.

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 Fargo of Fifth Middlesex to fill the vacancy.

Papers from the House

The Senate Bill to implement a certain collective bargaining agreement (Senate, No. 2380),— came from the House passed to be engrossed, in concurrence, *with an amendment*, striking out all after the enacting clause and inserting in place thereof the following:

"SECTION 1. To provide for certain unanticipated obligations of the commonwealth and to meet certain requirements of the law, the sums set forth in sections 2 and 2A are hereby appropriated from the General Fund unless otherwise indicated herein, for the several purposes and subject to the conditions specified therein, and subject to the provisions of law regulating the disbursement of public funds for the fiscal year ending June 30, 1999.

SECTION 2.

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Office of the Secretary.

2000-0100
.....200,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

Office of the Secretary.

4000-0122
.....750,000

Department of Transitional Assistance.

4406-3000
.....138,000

BOARD OF HIGHER EDUCATION.

Bridgewater State College.

7109-0100
.....2,420,805

SECTION 2A.

EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE.

Reserves.

1599-3880

For a reserve to meet the fiscal year 1999 costs of salary adjustments authorized by the collective bargaining agreement between the university of Massachusetts and the Graduate Employees Organization, Local 2322/UAW; provided, that the secretary of administration and finance is hereby authorized and directed to allocate from the sum appropriated herein such amounts as are necessary to meet the cost of said obligations; and provided further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller shall to charge to the Collective Bargaining Reserve Fund expenditures from the accounts receiving transfers from this item in amounts equal to the amounts of said transfers

.....470,000
Collective Bargaining Reserve Fund.....100.0%

OFFICE OF LABOR AND WORKFORCE DEVELOPMENT.

Department of Economic Development.

7007-1001

For a one time supplemental payment for the additional expenses of the Massachusetts Sports Partnership, Inc.; provided, that the funds appropriated in this item shall be in addition to funds made available to said Massachusetts Sports Partnership pursuant to item 7007-0950

.....200,000
Massachusetts Tourism Fund.....100.0%

SECTION 3. Item 2000-0100 of Section 2 of Chapter 194 of the Acts of 1998 hereby amended by inserting after the words Buzzards Bay' the following words:— ; provided further, that not more than \$200,000 shall be expended for a matching grant to the town of Rowley to acquire in the town of Rowley a 54 acre property identified as Map 4, Block 12, also known as 64 Pingree Farm Road, and a 34 acre property identified as Map 5, Block 84, also known as 29 Boxford Road, for conservation, open space preservation, and wellfield protection; provided further, that said \$200,000 shall not be so expended until equal matching funds are available to said town for said acquisitions; provided further, that said amount shall be in addition to any other amount expended by any public agency for said acquisitions.

SECTION 4. This act shall take effect upon its passage."

The rules were suspended, on motion of Ms. Melconian, and the House amendment was considered forthwith.

On further motion of Mr. Rosenberg, the Senate concurred in the House amendment *with further amendments*:

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

"SECTION 1. To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 1999 and for certain other activities and projects in said fiscal year, the sums set forth in section 2 are hereby appropriated from the General Fund unless specifically designated otherwise herein or in said appropriation acts for the several purposes and subject to the conditions specified herein or in said appropriation acts and subject to the provisions of law regulating the disbursement of public funds, for the fiscal year ending June 30, 1999. The sums appropriated herein shall be in addition to any amounts previously appropriated and made available for the purposes of said items.

SECTION 2.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Department of Veterans' Services.

1410-0300

.....61,750

EXECUTIVE OFFICE FOR ENVIRONMENTAL AFFAIRS.

Office of the Secretary.

2000-0100

.....200,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

Department of Transitional Assistance.

4406-3000
.....138,000

SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations and to meet certain requirements of law, the sums set forth herein shall be appropriated from the general fund unless specifically designated otherwise and shall be for the several purposes and subject to the conditions specified herein and subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in the general appropriation act or other appropriation acts for the fiscal year ending June 30, 1999. The sums appropriated herein shall be in addition to any amounts previously appropriated and made available for the purposes of said items.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Reserves.

1599-3880

For a reserve to meet the fiscal year 1999 cost of salary adjustments authorized by the collective bargaining agreement between the University of Massachusetts and the Graduate Employees Organization. Local 2322/UAW; provided, that the secretary of administration and finance shall transfer from the sum appropriated herein such amounts as are necessary to meet such costs; and provided further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller shall charge to the Collective Bargaining Reserve Fund expenditures from the accounts receiving transfers from this item in amounts equal to the amounts of such transfers
.....470,000
Collective Bargaining Reserve Fund.....100.0%

Department of Economic Development.

7007-1001

For a one time supplemental payment for the additional expenses of the Massachusetts Sports Partnership, Inc.; provided, that the funds appropriated in this item shall be in addition to funds made available to said Massachusetts Sports Partnership pursuant to item 7007-0950 of section 2 of chapter 194 of the acts of 1998
.....200,000

SECTION 3. Item 2000-0100 of section 2 of chapter 194 of the acts of 1998 is hereby amended by adding the following words:— ; provided further, that not more than \$200,000 shall be expended for a matching grant to the town of Rowley to acquire in the town of Rowley a 54-acre property identified as Map 4, Block 12, also known as 64 Pingree Farm Road, and a 34-acre property identified as Map 5, Block 84, also known as 29 Boxford Road, for conservation, open space preservation, and wellfield protection; provided further, that said \$200,000 shall not be so expended until equal matching funds are available to said town for said acquisitions; provided further, that said amount shall be in addition to any other amount expended by any public agency for said acquisitions.

SECTION 4. This act shall take effect upon its passage."; and by striking out the title and inserting in place thereof the following title:— "An Act making certain appropriations for the fiscal year 1999."

Sent to the House for concurrence in the further Senate amendment.

Recess.

There being no objection, at eighteen minutes past three o'clock P.M., the President declared a recess subject to the call of the Chair; and, at twenty-five minutes past five o'clock P.M., the Senate reassembled, the President in the Chair.

Committee Changes.

The President announced the resignation of Senator Fargo of Middlesex as a member of the committee on Bills in the Third Reading and the appointment of Senator Murray of Plymouth and Barnstable to fill the vacancy.

Papers from the House

A Bill relative to health insurance (House, No. 5915,— new draft of Senate, No. 2321),— 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.

Engrossed Bills.

The following engrossed bills (the first four 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:

Relative to child support (see Senate, No. 1935, amended);

Relative to making certain changes in the laws of the Commonwealth (see Senate, No. 2375, amended);

Relative to extending the reporting date for the special commission established to make an investigation and study of low income housing in the city of Lowell (see Senate, No. 2379);

Making certain appropriations for the fiscal year 1999 (see Senate, No. 2380, amended);

Relative to certain insurance benefits for part time elected officials of the town of Carver (see House, No. 5711);

Relative to the terms of certain bonds and notes issued by the Commonwealth (see House Bill, printed in House, No. 5830); and

Relative to the siting of certain waste facilities (see House, No. 5868, changed).

An engrossed Bill authorizing the town of Dennis to convey a certain parcel of land (see House Bill, printed in House, No. 5906) (which originated in the House), **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.**

An engrossed Bill authorizing the town of Holbrook to establish a betterment reserve fund (see House Bill, printed in House, No. 5897) (which originated in the House), **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.**

A Bill relative to the abolition of county government, the establishment of regional retirement systems, and the formation of regional councils of government (House, No. 5913,— on Senate, No. 2331),— was read.

There being no objection, the rules were suspended, on motion of Mr. Rosenberg, and the bill was read a second time. Pending the question on ordering the bill to a third reading, Mr. Rosenberg moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2382.

The amendment was adopted.

The bill, as amended, was ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

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:

Authorizing certain nonresidents to solemnize marriages (see Senate, No. 2354, amended); and

Relative to health insurance (see House, No. 5915).

Committee Changes.

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

At six minutes past six o'clock P.M., on motion of Mr. Lees, the Senate adjourned.

(Under the provisions of Article X of the Amendments to the Constitution, the 1998 session of the General Court was dissolved on the day next preceding the first Wednesday of January, without any proclamation or other act of the Governor.)

Attest:

PATRICK F. SCANLAN,
Acting Clerk.

[P.S. — During the 1998 session ___ Acts and ___ Resolves received Executive approval, of which ___ Acts had been laid before the Governor during the 1997 session. During the 1997 and 1998 session His Excellency the Governor and His Honor the Lieutenant Governor, Acting Governor, returned ___ Acts with their objections thereto in writing. Upon ___ Acts their objections were sustained ___ Acts were passed over their veto. ___ acts became law without Executive Approval. Of the ___ Acts which had not received the Acting Governor's approbation at the time the 1998 session of the General Court was dissolved, ___ Acts were later signed by the Acting Governor, and ___ Acts failed to become law.]