

**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, July 22, 1998.

Met at three minutes past eleven o'clock A.M., Mr. Norton in the Chair (having been appointed by the President, under the authority conferred by Senate Rule 4, to perform the duties of the Chair).

### *Reports of Committees.*

By Mr. Pacheco, for the committee on State Administration, on petition (accompanied by bill, Senate, No. 2273), a Bill authorizing the Division of Capital Planning and Operations to convey a certain parcel of land in the town of Danvers (Senate, No. 2281); and

By Ms. Wilkerson, for the same committee, on the message of His Honor the Lieutenant-Governor, Acting Governor (see House, No. 5678), a Bill authorizing long term leases for offices for the Department of Public Health in Dudley Square (Senate, No. 2282);

**Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Mr. Berry, for the committee on Steering and Policy, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill authorizing the town of Princeton to grant certain easements to Worcester County (House, No. 5447).

### *Committee Discharged.*

Mr. Norton, for the committee on Rules, to whom was referred 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), reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 896) of Richard T. Moore, Edward G. Connolly and William G. Greene, Jr., for legislation to reform the civil justice system,— and recommending that the same be recommitted to the committee on the Judiciary.

**Under Senate Rule 36, the report was considered forthwith and accepted.**

### *Papers from the House*

Bills

Relative to the authority of police officers of the cities of Boston and Newton and the town of Brookline (House, No. 5019,— on petition); and

Relative to personnel records (House, No. 5724,— on House, No. 4928);

**Were severally read and, under Senate Rule 26, referred to the committee on Steering and Policy.**

A Bill exempting the position of school nurse in the town of Brookline from the civil service law (House, No. 5612,— on petition) [Local approval received],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

***Committee Changes.***

The Chair (Mr. Norton) 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.

**Papers from the House.**

***Engrossed Bills.***

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

Designating the library at the Westborough State Hospital as the John Lowe Library (see House, No. 3734); and

Authorizing the city of Brockton to enter into contracts for the operation and maintenance, lease or sale and modifications of the waste water and water treatment facilities plant, sewer and pump stations (see House, No. 4459, amended).

***Communications.***

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS  
MASSACHUSETTS SENATE  
STATE HOUSE, BOSTON 02133

July 20, 1998.

Mr. Edward B. O'Neill

*Clerk of the Senate*  
State House, Room 335  
Boston, MA 02133

Dear Mr. O'Neill:

Due to a prior commitment, I was unable to be present at the formal session on Thursday, July 16, 1998. Had I been able to attend the session, I would have voted in the affirmative on the following matters:

H5709 - A bill relative to reducing income taxes and unemployment insurance rates and providing for workforce training (enactment).

H4951 - A bill relative to the consideration of domestic violence in custody and visitation proceedings (enactment).

H2077 - A bill relative to violence prevention programs in public schools (engrossment).

S2256 - A bill relative to complaints of sexual harassment and other forms of discrimination (engrossment).

H5392 - A bill providing for hearing screening of newborns (engrossment).

H5448 - A bill relative to the prevention of drug induced rape and kidnapping (adoption of amendment and engrossment). In addition, I would have voted in the negative on the following matter:

S2276 - A bill relative to gun control in the Commonwealth (conference report).

Sincerely,

ROBERT S. CREEDON, JR.,  
*Senator.*

**On motion of Mr. Moore, the above statement was ordered printed in the Journal of the Senate.**

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS  
MASSACHUSETTS SENATE  
STATE HOUSE, BOSTON 02133

July 21, 1998.

Honorable Edward B. O'Neill  
*Clerk of the Senate*  
State House, Room 335

Boston, MA 02133

Dear Mr. O'Neill:

Due to a previous planned personal commitment, I was unable to be present in the Chamber on Monday, July 20th for the Senate vote on the following matters:

S1818 - Legislation relative to home health aides abuse registry.

H5700 - Acceptance of conference committee report on fiscal 1999 budget and the enactment of same.

H5716 - Legislation relative to enactment of certain capital projects. Had I been present, I would have voted in the affirmative on each of the above matters. I respectfully request that this communication be noted in the record of the Senate.

Sincerely,

CHARLES E. SHANNON,  
*Senator.*

**On motion of Mr. Moore, the above statement was ordered printed in the Journal of the Senate.**

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS  
MASSACHUSETTS SENATE  
STATE HOUSE, BOSTON 02133

July 21, 1998.

Honorable Edward B. O'Neill  
*Clerk of the Senate*  
State House, Room 335  
Boston, MA 02133

Dear Mr. O'Neill:

On Thursday, July 16, 1998, I was unable to be present for roll call votes taken on House 5448, legislation relative to the prevention of drug induced rape and kidnapping, due to a prior commitment. Had I been present, I would have first voted in the affirmative on the amendment relative to the civil commitment process. I would have then voted in the affirmative on passing the bill to be engrossed as amended.

I would greatly appreciate your assistance with the printing of this communication in the Senate Journal. Thank you in advance for your assistance with this matter.

Sincerely,

RICHARD R. TISEI,  
*Senator.*

**On motion of Mr. Moore, the above statement was ordered printed in the Journal of the Senate.**

### **Papers from the House**

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5725) of John H. Rogers (by vote of the town) that the town of Norwood be authorized to issue three additional wine and malt beverages licenses to restaurants located in the central business district of said town;

**To the committee on Government Regulations.**

Petition (accompanied by bill, House, No. 5728) of Rachel Kaprielian (with the approval of the town council) relative to the leasing and construction of improvements to the building formerly known as the East Junior High School in the city known as the town of Watertown; and

Petition (accompanied by bill, House, No. 5729) of John C. Klimm relative to increasing the bond limit of the Cotuit Fire District;

**Severally, under suspension of Joint Rule 12, to the committee on Local Affairs.**

Petition (accompanied by bill, House, No. 5730) of Gale D. Candaras for legislation to direct the State Board of Retirement to accept Timothy S. Rogers as a member of the contributory retirement system for public employees; and

Petition (accompanied by bill, House, No. 5731) of Patrick F. Landers III for legislation to authorize the State Retirement Board

to grant an accidental disability retirement allowance to Diane Sabo, an employee of the Department of Mental Retardation;  
**Severally, under suspension of Joint Rule 12, to the committee on Public Service.**

Petition (accompanied by bill, House, No. 5727) of John H. Rogers (by vote of the town) relative to the approval of cost of living adjustments for retired employees of the town of Norwood;  
**To the committee on Public Service.**

### ***Report of a Committee.***

By Mr. Rosenberg, for the committee on Ways and Means, that the House Bill relative to the equitable taxation of insurance companies (House, No. 5479), ought to pass, with amendments:

Striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2283; and by striking out the title and inserting in place thereof the following title: "An Act insuring community investment and the equitable taxation of insurance companies in Massachusetts."

**There being no objection, the rules were suspended, on motion of Ms. Melconian, 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. Wilkerson 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 Thursday, July 23, 1998, on House Bill No. 5479, An Act relative to the equitable taxation of insurance companies. All amendments, offered by members, shall be filed in the office of the Clerk of the Senate no later than Thursday, July 23, 1998 at eleven o'clock A.M.

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

### ***Papers from the House***

The Senate Bill 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. 2231),— came from the House passed to be engrossed, in concurrence, with an amendment striking out section 8A.

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

### ***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:

House bills

Relative to certain contracting procedures in the city of Boston (House, No. 4672); and

Authorizing the South Middlesex Regional Vocational Technical School to pay certain health insurance premiums (House, No. 5444);

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

### ***Reports of Committees.***

Mr. Berry, for the committee on Steering and Policy, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill designating a certain boathouse in the city of Worcester as the Allan Fearn Boathouse at Regatta Point (House, No. 5423).

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

By Mr. Pacheco, for the committee on State Administration, on petition, a Bill authorizing the city of Brockton to convey certain land known as the Montello Pool (Senate, No. 2274) [Local approval received].

**There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill 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.**

***Bill Recalled from the Acting Governor.***

On motion of Ms. Melconian, 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 the charter of the town of Eastham (see House, No. 4661).

**Ms. Melconian was appointed the messenger. Subsequently, the bill was returned to the Senate.**

***Resolutions.***

Resolutions (filed by Mr. Amorello) "congratulating the Auburn High School Men's Varsity Baseball Team on winning the Massachusetts Interscholastic Athletic Association Division II State Baseball Championship", 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. Tarr, and adopted.**

***Committee Changes.***

The Chair (Mr. Norton) 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. Moore,—

*Ordered*, That when the Senate adjourns today, it adjourn to meet again tomorrow at one o'clock P.M.

On motion of Mr. Moore, at a quarter past eleven o'clock A.M., the Senate adjourned to meet on the following day at one o'clock P.M.