

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.



Monday, July 27, 1998.

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

Report.

A report of the Executive Office for Administration and Finance (under the provisions of Section 11 of Chapter 3 of the Acts of 1997) submitting its joint asset assessment study relative to segments of the Metropolitan Highway System to be acquired by the Massachusetts Port Authority (received Friday, July 24, 1998),— **was placed on file.**

Petitions.

Petitions were presented and referred, as follows:

By Mr. Hedlund, a petition (subject to Joint Rule 12) of Robert L. Hedlund for legislation to further regulate the certification of emergency medical technicians; and

By Mr. Knapik, a petition (subject to Joint Rule 12) of Michael R. Knapik, Evelyn G. Chesky and Walter A. DeFilippi for legislation relative to patient funds at the Soldiers' Home in Holyoke;

Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of a Committee.

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

The House bills

Relative to principal contracts (House, No. 1285, amended);

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

Relative to personnel records (House, No. 5724).

Papers from the House

Bills

Relative to the exclusion of certain students from public schools (House, No. 3985,— on petition);

Relative to entering by false pretenses in the daytime (House, No. 4977, amended,— on House, No. 3977);

Authorizing the establishment of the Burncoat Pond watershed district in the towns of Leicester and Spencer (House, No. 5558, amended,— on petition); and

Relative to cost of living adjustments (House, No. 5683,— on petition);

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

Bills

Authorizing the town of Plymouth to establish a special reserve fund (House, No. 5515,— on petition) [Local approval received]; Authorizing the town of Hull to lease certain property (House, No. 5572,— on petition) [Local approval received]; and Exempting the position of sealer of weights and measures in the town of Hingham from the provisions of the civil service law (House, No. 5574,— on petition) [Local approval received];

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

Emergency Preamble Adopted.

An engrossed Bill relative to the Massachusetts Industrial Finance Agency (see Senate, No. 1955), 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.

Resolutions.

Resolutions (filed by Ms. Wilkerson) "honoring Harold L. Vaughan", 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 Ms. Melconian, and adopted.**

Papers from the House

A Bill directing the Greenfield board of retirement to pay a certain retirement benefit to the surviving spouse of firefighter Kenneth J. Creigle (House, No. 5492,— on petition) [Local approval received],— was read.

There being no objection, the rules were suspended, on motion of Mr. Norton, and the bill 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 directing the Greenfield Retirement Board to pay a certain retirement benefit to the surviving spouse of firefighter Kenneth J. Creigle."

Matter Taken Out of the Orders of the Day.

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

The House Bill relative to the membership of the retirement board of the town of Brookline (House, No. 4654), — **was read a third time and passed to be engrossed, in concurrence.**

Papers from the House.

A Bill authorizing the Commissioner of the Division of Capital Planning and Operations to grant a permanent easement to the town of Hinsdale (House, No. 5666, amended,— on House, No. 5554),— was read.

There being no objection, the rules were suspended, on motion of Mr. Moore, 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 transfer of certain state owned land in the town of Canton (House, No. 5722,— on House, No. 5715),— was read.

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

Communication.

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133

July 24, 1998.

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

Dear Mr. O'Neill:

Due to an event in my district at the Gate of Heaven School, I was unable to be present in the Senate Chamber on Thursday, July 23, 1998 for the Senate vote on the following matters:

S.2144 - Bill to Maintain Privacy (Enactment)

S.2162 - Relative to annoying communications (Engrossment)

H.5479 - Relative to the equitable taxation of insurance companies (Engrossment) 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. Thank you for your assistance in this matter.

Sincerely,

STEPHEN F. LYNCH,
State Senator.

On motion of Ms. Murray, the above statement was ordered printed in the Journal of the Senate.

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:

Relative to the finance committee in the town of Harvard (see Senate, No. 2063);

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 (see Senate, No. 2231, amended);

Relative to the use of the title psychologist in employment (see House, No. 917); and

Relative to a certain disability retirement for Walter L. Heagney, Jr. (see House, No. 5544, amended).

Senate Order Adopted.

Mr. Bernstein offered the following order, to wit:

Ordered. That, notwithstanding the provisions of any rule to the contrary, all matters reported on Monday, July 27, 1998 from the committee on Senate Ways and Means shall be considered as having been read a second time and ordered to a third reading. Any amendments that may be recommended by the committee on Ways and Means to said bills shall also be considered as being adopted.

The order was considered forthwith; and, there being no objection, it was 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 House Bill relative to a certain retired employee of the town of Reading (House, No. 5389),— **was read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the town of Princeton to grant certain easements to Worcester County (House, No. 5447),— **was read a second time and ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

Papers from the House

A Bill relative to William G. Suprey (House, No. 5566,— on House, No. 5534) [Local approval received],— was read.

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

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5732) of Pamela P. Resor and Robert A. Durand (by vote of the town) relative to providing for recall elections in the town of Boxborough;

To the committee on Election Laws.

Petition (accompanied by bill, House, No. 5741) of Timothy J. Toomey, Jr., and other members of the General Court relative to employees of the Somerville Hospital upon acquisition of said hospital by the Cambridge Public Health Commission;
Under suspension of Joint Rule 12, to the committee on Public Service.

Petition (accompanied by bill, House, No. 5742) of Ronald W. Gauch, David P. Magnani and Robert A. Durand (by vote of the town) that the town of Westborough be authorized to sell the Eli Whitney building located in said town to the YWCA, notwithstanding the uniform procurement law;
Under suspension of Joint Rule 12, to the committee on State Administration.

Petition (accompanied by bill, House, No. 5743) of William G. Greene, Jr., for legislation to exempt the sale of certain telecommunications equipment from the sales tax;
Under suspension of Joint Rule 12, to the committee on Taxation.

Petition (accompanied by bill, House, No. 5744) of Thomas S. Cahir for legislation to authorize the Highway Department to erect a memorial marker on Route 25 in the town of Bourne in memory of Brent Charles Donahue and Carrie Lynne Stephens;
Under suspension of Joint Rule 12, to the committee on Transportation.

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 Henri S. Rauschenbach, Therese Murray, Thomas S. Cahir, Eric Turkington and Thomas N. George for legislation relative to the Massachusetts Military Reservation Environmental Technology Center.

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

Sent to the House for concurrence.

By Ms. Wilkerson, for the committee on Ways and Means, that the Senate Bill providing health care coverage for breast reconstruction after mastectomy surgery for the treatment of breast cancer (Senate, No. 678), ought to pass, with the following amendments:

In section 3, by striking out the words "section 47Q", in line 3, and inserting in place thereof the following words:— section 47T, and by striking out the words "Section 47R", in line 4, and inserting in place thereof the following words:— Section 47U;

In section 4, by striking out the words "section 8P", in line 3, and inserting in place thereof the following words:— section 8T, and by striking out the words "Section 8Q", in line 4, and inserting in place thereof the following words:— Section 8U;

In section 5, by striking out the words "section 4Q", in line 2, and inserting in place thereof the following words:— section 4R, and by striking out the words "Section 4R", in line 4, and inserting in place thereof the following words:— Section 4S;

In section 6, by striking out the words "section forty-seven R", in line 5, and inserting in place thereof the following words:— section 47U;

In section 7, by striking out the words "section 4I", in line 3, and inserting in place thereof the following words:— section 4J; and In section 8 by striking out the words "this act", in line 4, and inserting in place thereof the following words:— section 17D of chapter 32A, section 10B of chapter 118S, section 47U of chapter 175, section 8U of chapter 176A, section 4S of chapter 176B and section 4K of chapter 176G.

Pursuant to an order adopted this day by the Senate, the bill was read a second time, and was amended, as recommended by the committee on Ways and Means. The bill (Senate, No. 678, amended) was ordered to a third reading.

By Mr. Travaglini, for the committee on Ways and Means, that the Senate Bill improving access to cost effective rehabilitation counseling (Senate, No. 700), ought to pass, with an amendment, substituting a new draft entitled "An Act improving access to rehabilitation counseling" (Senate, No. 2286).

Pursuant to an order adopted this day by the Senate, the bill was read a second time, and was amended, as recommended by the committee on Ways and Means. The new draft (Senate, No. 2286) was ordered to a third reading.

By Ms. Wilkerson, for the committee on Ways and Means, that the Senate Bill to improve access to educational psychologists services (Senate, No. 711), ought to pass, with an amendment, substituting a new draft entitled "An Act authorizing licensed educational psychologists to receive certain insurance payments" (Senate, No. 2287).

Pursuant to an order adopted this day by the Senate, the bill was read a second time, and was amended, as recommended by the committee on Ways and Means. The new draft (Senate, No. 2287) was ordered to a third reading.

By Messrs. Antonioni and Rosenberg, for the committee on Ways and Means, that the Senate Bill to further amend the victim compensation law (Senate, No. 849), ought to pass, with an amendment, substituting a new draft with the same title (Senate, No. 2288).

Pursuant to an order adopted this day by the Senate, the bill was read a second time, and was amended, as recommended by the committee on Ways and Means. The new draft (Senate, No. 2288) was ordered to a third reading.

By Ms. Wilkerson, for the committee on Ways and Means, that the Senate Bill authorizing the Division of Capital Planning and Operations and the Metropolitan District Commission to convey a certain parcel of land in the city of Boston (Senate, No. 1394), ought to pass, with an amendment, substituting a new draft entitled "An Act authorizing the Division of Capital Planning and Operations and the Metropolitan District Commission to convey land in Boston (Senate, No. 2289).

Pursuant to an order adopted this day by the Senate, the bill was read a second time, and was amended, as recommended by the committee on Ways and Means. The new draft (Senate, No. 2289) was ordered to a third reading.

By Mr. Rosenberg, for the committee on Ways and Means, that the Senate Bill relative to a parcel of land in the town of Tewksbury (Senate, No. 1424), ought to pass.

Pursuant to an order adopted this day by the Senate, the bill was read a second time and ordered to a third reading.

By Mr. Magnani, for the committee on Ways and Means, that the Senate Bill amending the 1994 Transportation Bond Bill so as to provide access to certain commuter rail stations of the Massachusetts Bay Transportation Authority (Senate, No. 1634), ought to pass, with an amendment, substituting a new draft entitled "An Act to provide access to certain commuter rail stations of the Massachusetts Bay Transportation Authority" (Senate, No. 2290).

Pursuant to an order adopted this day by the Senate, the bill was read a second time, and was amended, as recommended by the committee on Ways and Means. The new draft (Senate, No. 2290) was ordered to a third reading.

By Mr. Morrissey, for the committee on Ways and Means, that the Senate Bill to protect consumers from unauthorized switching of long-distance or local exchange telephone service providers (Senate, No. 1853), ought to pass, with an amendment, substituting a new draft entitled "An Act to protect consumers from unauthorized switching of their local and long distance telecommunications service providers" (Senate, No. 2291).

Pursuant to an order adopted this day by the Senate, the bill was read a second time, and was amended, as recommended by the committee on Ways and Means. The new draft (Senate, No. 2291) was ordered to a third reading.

By Mr. Rosenberg, for the committee on Ways and Means, that the Senate Bill authorizing the Division of Capital Planning and Operations to grant a strip of real property located in the town of Wakefield to the owner of the abutting parcel (Senate, No. 2246), ought to pass, with amendments:

In section 1, by striking out the word "notwithstanding", in line 2, as printed, and inserting in place thereof the following:— subject to; and

By striking out the title and inserting in place thereof the following title: "An Act authorizing the Division of Capital Planning and Operations to grant real property located in the town of Wakefield to the owner of the abutting parcel."

Pursuant to an order adopted this day by the Senate, the bill was read a second time, and was amended, as recommended by the committee on Ways and Means. The bill (Senate, No. 2246, amended) was ordered to a third reading.

By Ms. Wilkerson, for the committee on Ways and Means, that the Senate Bill authorizing long term leases for offices for the Department of Public Health in Dudley Square (Senate, No. 2282), ought to pass.

Pursuant to an order adopted this day by the Senate, the bill was read a second time and ordered to a third reading.

By Mr. Rosenberg, for the committee on Ways and Means, that the House Bill authorizing the Division of Capital Planning and Operations to convey a certain parcel of land in the town of Bridgewater (House, No. 4534, 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 2292.

Pursuant to an order adopted this day by the Senate, 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.

By Mr. Magnani, for the committee on Ways and Means, that the House Bill authorizing the Division of Capital Planning and Operations to grant interests in certain land to the town of Franklin (House, No. 4697), ought to pass, with an amendment, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2293.

Pursuant to an order adopted this day by the Senate, 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.

By Mr. Morrissey, for the committee on Ways and Means, that the House Bill relative to certain licenses to exhibit by movie theaters (House, No. 5010), ought to pass.

Pursuant to an order adopted this day by the Senate, the bill was read a second time and ordered to a third reading.

By Mr. Rosenberg, for the committee on Ways and Means, that the House Bill relative to early intervention programs for injured public employees (House, No. 5020), ought to pass.

Pursuant to an order adopted this day by the Senate, the bill was read a second time and ordered to a third reading.

Mr. Rosenberg, for the committee on Ways and Means, on House, No. 5114, reported, in part, a "Bill relative to promoting job growth in the Commonwealth" (Senate, No. 2294).

Pursuant to an order adopted this day by the Senate, the bill (Senate, No. 2294) was read a second time and ordered to a third reading.

Mr. Rosenberg, for the committee on Ways and Means, on House, No. 5114, reported, in part, a "Bill relative to adjudicatory procedures for the Commonwealth automobile reinsurers" (Senate, No. 2295).

Pursuant to an order adopted this day by the Senate, the bill (Senate, No. 2295) was read a second time and ordered to a third reading.

By Mr. Rosenberg, for the committee on Ways and Means, that the House Bill relative to compliance with life safety codes, remediation of environmental hazards, and the preservation and management of the Commonwealth's real property assets (House, No. 5669), ought to pass, with amendments:

Striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2296; 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 to immediately ensure compliance with life safety codes, remediation of environmental hazards, and the preservation and management of the commonwealth's real property assets, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

[New Bond Authorizations:	\$134,000,000
Bond Deauthorizations:	\$101,600,000
Net Bond Authorizations:	\$ 32,400,000].

Pursuant to an order adopted this day by the Senate, 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.

By Mr. Rosenberg, for the committee on Ways and Means, that the House Bill further regulating the powers of the Massachusetts State College Building Authority (House, No. 5581), ought to pass, with an amendment, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2297.

Pursuant to an order adopted this day by the Senate, 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.

By Mr. Rosenberg, for the committee on Ways and Means, that the House Bill extending certain capital spending authorizations (printed in House, No. 5607), ought to pass, with an amendment, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2298.

Pursuant to an order adopted this day by the Senate, 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.

By Mr. Rosenberg, for the committee on Ways and Means, that the House Bill relative to periodic payments to contractors on public works contracts (House, No. 5595), ought to pass.

Pursuant to an order adopted this day by the Senate, the bill was read a second time and ordered to a third reading.

By Mr. Rosenberg, for the committee on Ways and Means, that the House Bill relative to the terms of certain bonds and notes to be issued by the Commonwealth (House, No. 5603), ought to pass.

Pursuant to an order adopted this day by the Senate, the bill was read a second time and ordered to a third reading.

Recess.

At a quarter past eleven o'clock A.M., the President declared a recess subject to the call of the Chair; and, at two minutes past three o'clock P.M., the Senate reassembled, the President in the Chair.

Orders Adopted.

Mr. Nuciforo presented the following order, to wit:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Election Laws be granted until Wednesday, July 29, 1998, within which to make its final report on current Senate documents numbered 2140, relative to the election of the city clerk in the city of Springfield, and 2247, relative the school committee in the city of Malden.

The order was considered forthwith, and adopted.

Sent to the House for concurrence.

Mr. Pacheco presented the following order, to wit:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the joint committee on State Administration be granted until Friday, July 31, 1998 in which to make its final report on Senate document numbered 2054, relative to cities and towns entering into contracts for the operation and maintenance, lease or sale and modification of water and wastewater treatment plants, sewers and pump stations.

The order was considered forthwith, and adopted.
Sent to the House for concurrence.

Papers from the House.
Committee of Conference.

The House Bill relative to the equitable taxation of insurance companies (House, No. 5479, amended),— came from the House with the endorsement that the House had NON-concurred in the Senate amendments: Striking out all after the enacting clause and inserting in place thereof the text contained in 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.",— and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Larkin of Pittsfield, Greene of Billerica and Gauch of Shrewsbury had been appointed the committee on the part of the House.

On motion of Ms. Wilkerson, the Senate insisted on its amendments and concurred in the appointment of a committee of conference; and Senators Rosenberg, Tolman and Rauschenbach were appointed on the part of the Senate.

The bill was returned to the House endorsed accordingly.

The engrossed Bill further regulating medical malpractice insurance (House, No. 1143, amended),— came from the House amended by striking out section 8 (as engrossed).

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

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. Lees, at six minutes past three o'clock P.M., the Senate adjourned to meet on the following day at one o'clock P.M.