

**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, October 8, 1998.

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

### *Special Commissions — Appointments.*

The President announced the appointment of Senator Stanley C. Rosenberg to serve on the special commission established to study collective bargaining and dispute resolutions for municipal police officers, firefighters and other public employees as established by Section 409 of Chapter 194 of the Acts of 1998.

The President also announced the appointment of Judith M. Antonangeli, R.N. B.S.N., Paul Raia, Ph.D., Senator Marion Walsh, Barbara Gloss and Diane Sibley to serve on the advisory council on Alzheimer's disease and related disorders as established by section 379 of Chapter 194 of the Acts of 1998.

### *Reports.*

A report 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 the Hampden County Sheriff's Department and Correctional Center (received Thursday, October 8, 1998),— **was read and sent to the House for its information.**

The following reports were severally read and placed on file:

A report of the Group Insurance Commission (under the provisions of Section 20 of Chapter 32A of the General Laws) submitting its annual report on vendor quality improvement activities (received Wednesday, September 30, 1998);

A report of the Massachusetts Legal Assistance Corporation (under the provisions of Section 10 of Chapter 221A) submitting a copy of its 1998 annual report (received Wednesday, September 30, 1998);

A report from the Director of the University of Massachusetts (under the provisions of Section 43(f) of Chapter 75 of the General Laws) relative to the activities of the biologic laboratories of said university (received Thursday, October 1, 1998);

A report of the Department of Mental Retardation (under the provisions of Section 4 of Chapter 547 of the Acts of 1991) submitting its annual report on the expenditures of the Belchertown Carousel Trust (received Friday, October 2, 1998); copies having been forwarded to the Senate Committee on Ways and Means and to the Senate Chair of the joint committee on State Administration; and

A report of the Massachusetts Technology Development Corporation (under the provisions of Section 10 of Chapter 221A of the General Laws) submitting a copy of its financial statements for the years ended June 30, 1998 and 1997 (received Monday, October 5, 1998).

### *Report of a Committee.*

By Mr. Moore, for the committee on Public Service, on petition, a Bill relative to certain insurance coverage for a former employee of the town of Townsend (Senate, No. 2337) [Local approval received];

**Read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

## Papers from the House

### Bills

Relative to the room occupancy excise of the town of Provincetown (House, No. 5493,— on petition) [Local approval received];  
Authorizing the town of Grafton to grant a certain betterment abatement (House, No. 5576),— (substituted by amendment for a report of the committee on Taxation, ought NOT to pass (under Joint Rule 10,— on petition)) [Local approval received];  
Authorizing the town of Hull to establish a certain fund (House, No. 5645,— on petition) [Local approval received];  
Providing for the establishment of a board of public works in the town of Hopkinton (House, No. 5655,— on the residue of House, No. 5734) [Local approval received on House, No. 5655];  
Authorizing the town of Norwood to issue three additional wine and malt beverages licenses (House, No. 5725,— on petition) [Local approval received]; and  
Relative to the pension benefits payable to Anna Poncin and Sharon Hewitt by the Attleboro retirement system (House, No. 5817,— on petition) [Local approval received];

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

The bi-monthly report of the Executive Office of Transportation and Construction (under Section 178 of Chapter 653 of the Acts of 1989) submitting an account of the costs incurred in connection with the depression of the Central Artery and the construction of the Ted Williams Tunnel (having been sent by the House to the Senate for its information),— **was returned to the House to be placed on file.**

A communication from the Commissioner of Insurance (under Paragraph (2) of Clause (F) of Section 117C of Chapter 175 of the General Laws) relative to a summary of insurance claims experience and loss ratio data on credit life insurance and credit accident and health insurance (having been sent by the House to the Senate for its information),— **was returned to the House to be placed on file.**

A message from His Honor the Lieutenant-Governor, Acting Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to directing the State Secretary to place a certain nonbinding question on the biennial state election ballot in the town of Weymouth (House, No. 5824),— **was referred, in concurrence, to the committee on Election Laws.**

### *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.

## **Papers from the House. *Emergency Preamble Adopted.***

An engrossed Bill providing for the annual observance of Robert Frost Day (see House, No. 5056, 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 3 to 0.**  
**The bill was signed by the President and sent to the House for enactment.**

### *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 structures to be exempt from certain harbor lines in the South Boston section of the city of Boston (see Senate, No. 2318);

Providing early retirement benefits to water treatment plant operators at the water department of the city of Cambridge due to the closure of the treatment plant for renovation (see House, No. 4626);

Authorizing the city of Westfield to abate and refund certain property taxes (see House, No. 5546); and

Authorizing the town of Medway to abate a certain betterment (see House, No. 5794).

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5825) of Patrick F. Landers III, Thomas M. Petrolati and Stephen M. Brewer (by vote of the town) relative to providing for the election of a town clerk in the town of Belchertown;

**To the committee on Election Laws.**

Petition (accompanied by bill, House, No. 5831) of Salvatore F. DiMasi relative to providing injunctive relief for the illegal sale of research papers or the taking of examinations for another at educational institutions;

**Under suspension of Joint Rule 12, to the committee on the Judiciary.**

Petition (accompanied by bill, House, No. 5827) of John F. Merrigan (with the approval of the town council) relative to filling of vacancies in the town council of the the town of Greenfield;

**To the committee on Local Affairs.**

Petition (accompanied by bill, House, No. 5832) of David H. Tuttle, Stephen M. Brewer and Gale D. Candaras for legislation to authorize the Trial Court to establish a sick leave bank for Elizabeth Ann Dyjak, an employee of said court;

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

### ***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 Mark C. Montigny, Joseph B. McIntyre, Robert M. Koczera and Antonio F. D. Cabral (with the approval of the mayor and the city council) for legislation to authorize the city of New Bedford to establish and maintain an environmental assessment revolving fund [Local approval received].

**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 Natural Resources and Agriculture.**

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 Thomas R. Rawson and Patrick J. Leonard for legislation to designate Captain Samuel Whittemore the Official State Hero of the Commonwealth and providing for an annual proclamation of a day in his honor.

**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 State Administration.**

**Severally sent to the House for concurrence.**

### ***Resolutions.***

Resolutions (filed by Messrs. Brewer, Nuciforo and Rosenberg) "congratulating the Franklin County Regional Housing and Redevelopment Authority on the occasion of its twenty-fifth anniversary", 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. Melconian, and adopted.**

Resolutions (filed by Mr. Clancy) "congratulating Margaret M. Price on the occasion of her eightieth birthday", 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. Melconian, and adopted.**

Resolutions (filed by Mr. Lees) "honoring Catherine Wilder Labine", 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. Melconian, and adopted.**

Resolutions (filed by Mr. Pacheco) "congratulating Ruth M. Soderberg for being honored as Woman of the Year' by the Taunton Business and Professional Women's Club", 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. Melconian, and adopted.**

Resolutions (filed by Mr. Rosenberg) "honoring the University of Massachusetts Minuteman Marching Band", 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. Melconian, and adopted.**

Resolutions (filed by Ms. Wilkerson) "congratulating the Columbus Avenue African Methodist Episcopal Zion Church on the occasion of its one hundred and sixtieth anniversary", 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. Melconian, and adopted.**

***Bill Recalled from the Acting Governor Laid Before the Senate.***

On motion of Mr. Rauschenbach, 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 recreation commission of the town of Swampscott (see Senate, No. 2255).

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

There being no objection, on motion of Mr. Rauschenbach, 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.

Mr. Clancy presented an amendment to the engrossed bill striking out the words "and to take any action relative thereto".

**The amendment was adopted.**

**Sent to the House for concurrence in the amendment.**

### *Reports of a Committee.*

By Mr. Rosenberg, for the committee on Ways and Means, that the House Bill authorizing the state retirement board to grant creditable service to Celeste Loughman (House, No. 797), ought to pass, with an amendment, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2347.

**There being no objection, the rules were suspended, on motion of Mr. Bernstein, 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 amendment.**

By Mr. Rosenberg, for the committee on Ways and Means, that the House Bill providing for the payment of certain retirement and medical benefits to John Lynch (House, No. 5367), ought to pass.

**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.**

### *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 providing protection for certain retirement accounts (House, No. 1355),— **was passed to be engrossed, in concurrence.**

The House Bill relative to school bus inspections (House, No. 2360),— was read a third time.

Mr. Montigny presented an amendment inserting after the figure "\$50" (as corrected by the House Committee on Bills in the Third Reading), in line 7, the following words:— not more than \$100.

**The amendment was adopted.**

**The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.**

**Sent to the House for concurrence in the amendment.**

The House Bill regulating the use of snow vehicles on privately owned property (House, No. 5457) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed, in concurrence.**

The House Bill relative to town meeting members in the town of Amherst (House, No. 5463),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill relative to the Greater Lawrence Sanitary District (House, No. 5514),— **was read a second time and ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the town of Billerica to make a certain reimbursement (House, No. 5643),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

### *Papers from the House*

A Bill authorizing the town of Canton to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises (printed in House, No. 5810,— 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. 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.**

The Senate Bill punishing concealment of certain assets relative to spousal and child support (Senate, No. 1935),— came from the House passed to be engrossed, in concurrence, *with amendments*:

In section 1 by adding at the end thereof the following sentence: "The court may in the alternative to the foregoing punishment

divert the defendant to a program as defined in section 1 of chapter 276A."; and by adding at the end 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 shall be liable in a civil action if such person knowingly makes a conveyance without fair consideration to an individual who has been adjudged to be in contempt of an order or judgment for child support entered pursuant to chapter 119, 207, 208, 209, 209C, 273 or 273A.

A person found liable hereunder shall pay to the obligee under said order or judgment 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. Melconian, and the House amendments were considered forthwith.

Mr. Clancy presented the following further amendments to the House amendments:

In Section 1, by inserting after the figure "209," in line 8, the following figure:— "209A,"; and by inserting after the word "imprisonment", in line 12, the following words:— "; and whoever transfers an asset for the purpose of concealing it to avoid payment of an order or judgment for support issued pursuant to said chapters 119, 207, 208, 209, 209A, 209C, 209D, 273, or pursuant to any similar laws of other states shall be punished by a fine of not more than \$5,000 or by imprisonment in a jail or house of correction for not more than two and one-half years, or both such fine and imprisonment."

**The amendments were adopted. The House amendments, as amended, were then adopted.**

**Sent to the House for concurrence in the further Senate amendments.**

### ***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 authorizing the city of Boston to grant a certain pension to Carl W. Johnson (House, No. 5516),— **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 city of Boston to grant a certain pension to Carl W. Johnson."**

### ***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 Ms. Melconian,—

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

### ***Paper from the House Emergency Preamble Adopted.***

An engrossed Bill relative to certain nongroup health insurance products (see House, No. 5797, 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 2 to 0.**

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

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On motion of Mr. Rauschenbach, at twenty-four minutes past eleven o'clock A.M., the Senate adjourned to meet on the following Tuesday at eleven o'clock A.M.