

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, November 25, 1998.

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

Communication.

A communication from Joseph L. Nicholson, Assistant Superintendent, Western Massachusetts Correctional Alcohol Center submitting a corrective actions letter in response to inspection of said facility by the Department of Public Health on September 24, 1998 (received Monday, November 23, 1998),— **was read and sent to the House for its information.**

Reports.

The following reports were severally read and sent to the House for its information:

A report of the Massachusetts State Lottery Commission (under the provisions of Section 24 of Chapter 10 of the General Laws) submitting its consolidated statement of operations for the lottery and arts lottery funds for the months of July, August and September 1998 (received Tuesday, November 17, 1998); and

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of the General Laws) relative to inspection of MCI Lancaster, in the town of Lancaster (received Tuesday, November 24, 1998).

Papers from the House

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5880) of Joseph F. Wagner, Walter A. DeFilippi, Michael R. Knapik, Linda J. Melconian and Dennis M. Murphy (with the approval of the mayor and board of aldermen) relative to the filling of vacancies in the office of mayor in the city of Chicopee;

To the committee on Election Laws.

Petition (accompanied by bill, House, No. 5881) of Kevin Poirier and Cheryl A. Jacques (by vote of the town) relative to the positions of town clerk, tax collector and treasurer in the town of North Attleborough;

To the committee on Local Affairs.

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.

Subsequently, the President announced the resignation of Senator Bernstein of First Worcester as a member of said committee and the reappointment of Senator Jacques of Norfolk, Bristol and Middlesex thereto.

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:

Providing for the annual observance of Lucy Stone Day (see Senate, No. 1451); and

Providing for associate members for the youth commission in the city known as the town of Methuen (see House, No. 5841).

Petitions.

Mr. Morrissey presented the following petitions and, on motion of Mr. Bernstein, Senate Rule 20 and Joint Rule 12 were suspended, in each instance, and the petitions were referred as follows:

Petition (accompanied by bill) of Michael W. Morrissey and Daniel E. Bosley for legislation to further define malt beverage and wine tasting; and

Petition (accompanied by bill) of Michael W. Morrissey and Daniel E. Bosley for legislation to grant temporary licenses for the sale of wines at auctions;

Severally to the committee on Government Regulations.

Severally sent to the House for concurrence.

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 Senate Bill making certain changes in the campaign finance laws (Senate, No. 1796, amended) (its title having been changed by the committee on Bills in the Third Reading),— was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Lees presented an amendment inserting after section 1 the following new section:

"SECTION 1A. Section 7 of said chapter 55, as so appearing, is hereby amended by inserting after the first paragraph the following paragraph:—

No candidate or candidate's committee shall receive a transfer of funds or assets from any federal political committee. No candidate or candidate's committee shall make an expenditure of, or transfer, funds or assets that were transferred on or after November 25, 1998 from a federal political committee. A candidate's committee may, however, coordinate arrangements, with a federal committee that refunds contributions pursuant to federal law, for a solicitation of the same contributors by the candidate's committee. The candidate's committee shall pay the full cost of any such solicitation."; 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 amend the campaign finance laws forthwith before the effective date of the initiative law enacting amendments to chapters 55 and 55A of the General Laws, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

This amendment was adopted. The bill, as amended, was then passed to be engrossed.

Sent to the House for concurrence.

Report of a Committee.

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 Senate Bill relative to certain volunteer efforts and the dissemination of criminal offender record information (Senate, No. 2356).

There being no objection, the rules were suspended, on motion of Mr. Bernstein, and the bill was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Joyce presented an amendment in section 1, by inserting after the word "occasion", in line 6, the following words:— ", if, before such individual begins such delivery, such entity obtains the information necessary to obtain criminal offender record information for such individual"; 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 forthwith to regulate certain volunteer efforts and the dissemination of criminal offender record information, there fore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

The amendment was adopted. 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.

Resolutions.

Resolutions (filed by Ms. Murray) "honoring John Dias upon the celebration of his ninetieth birthday", were referred, under the rule, to the committee on Rules.

Subsequently, Mr. Tisei, 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. Tisei, and adopted.

Report of a Committee.

By Ms. Fargo, for the committee on Local Affairs, on petition, a Bill authorizing the town of Hampden to borrow money for the payment of certain legal expenses and settlement costs (Senate, No. 2355) [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.

Papers from the House

The engrossed Bill providing for the appointment of a clerk and treasurer of the Oak Bluffs Water District (House, No. 5764),— came from the House amended by adding the following section:

"SECTION 3. This act shall take effect upon its acceptance by a majority vote of the voters of the Oak Bluffs Water District present and voting thereon at the next annual district meeting or a special district meeting called for such purpose."

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

Bill Recalled from the Acting Governor Laid Before the Senate.

On motion of Mr. Tisei, 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 establishing the Massachusetts prudent investor act (see Senate, No. 2079, amended).

Mr. Tisei was appointed the messenger. The bill was returned and was laid before the Senate.

Subsequently, the same Senator asked unanimous consent that he might move that the Senate reconsider the vote by which, at a previous session, it had passed the bill to be enacted; but objection was made thereto.

The bill, having previously been signed by the President, was again laid before the Acting Governor for his approbation.

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 taxation of certain real estate in the town of Marshfield (House, No. 5674),— **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 making appropriations for the fiscal year 1999 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 5882,— on House, No. 5787),— was read.

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.

Recess.

At twenty-six minutes before twelve o'clock noon, the President declared a recess subject to the call of the Chair; and, at four minutes past twelve o'clock noon, the Senate reassembled, the President in the Chair.

Papers from the House. Emergency Preamble Adopted.

An engrossed Bill making certain changes in the campaign finance laws (see Senate, No. 1796, 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.

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:
Making certain changes in the campaign finance laws (see Senate, No. 1796, amended); and
Making appropriations for the fiscal year 1999 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 5882).

Order Adopted.

On motion of Mr. Bernstein,—

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

On motion of Mr. Tisei, at a quarter past twelve o'clock noon, the Senate adjourned to meet on the following Monday at eleven o'clock A.M.