

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, December 3, 1998.

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

Reports.

The following reports were severally read and placed on file:

A report of the Manufactured Home Commission (under the provisions of Section 108 of Chapter 6 of the General Laws) submitting its annual report for 1997-1998 (received Wednesday, December 2, 1998); and

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 summarizing the programs and expenditures of said corporation (received Wednesday, December 2, 1998).

Distinguished Guests.

There being no objection, the President introduced, seated in the rear of the Chamber, Mary Ann Stock, Peg Kelley and Pat Amendolia. They were the guests of Senator Moore.

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

Relative to group marketing plans for automobile and homeowners insurance (House, No. 5697).

Papers from the House.

The following reports (having been sent by the House to the Senate for its information) were severally returned to the House to be placed on file, to wit:

Annual report of the Commissioner of Banks (under Section 13 of Chapter 167 of the General Laws) containing a statement of condition of each state-chartered co-operative bank in the Commonwealth for the calendar year 1997;

Annual report of the Commissioner of Banks (under Section 13 of Chapter 167 of the General Laws) containing a statement of condition of each state-chartered trust company in the Commonwealth for the calendar year 1997; and

Annual report of the Commissioner of Banks (under Section 13 of Chapter 167 of the General Laws) containing a statement of condition of each state-chartered savings bank in the Commonwealth for the calendar year 1997.

A Bill relative to vacancies in the town council of the town of Greenfield (House, No. 5827, changed,— on petition) [Local approval received],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Resolutions.

Resolutions (filed by Messrs. Birmingham, Jacques and other members of the Senate) "congratulating the Honorable Thomas C. Norton and Dorris Andersen on the happy occasion of their wedding", were referred, under the rule, to the committee on Rules. **Subsequently, Mr. Clancy, 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. Bernstein, and adopted.**

Resolutions (filed by Ms. Pines and Mr. Durand) "honoring Betsy Shure Gross for her dedication to the preservation and enhancement of Brookline open space", were referred, under the rule, to the committee on Rules. **Subsequently, Mr. Clancy, 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. Bernstein, and adopted.**

Resolutions (filed by Mr. Shannon) "honoring Zita M. Samuels for her 28 years of outstanding service and dedication to the Somerville School Department", were referred, under the rule, to the committee on Rules. **Subsequently, Mr. Clancy, 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. Bernstein, and adopted.**

Resolutions (filed by Ms. Wilkerson) "honoring Brenda Butler Hamlett upon the opening of the New England Organ Bank in Roxbury", were referred, under the rule, to the committee on Rules. **Subsequently, Mr. Clancy, 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. Bernstein, and adopted.**

Papers from the House.

The House Bill increasing the penalties for violations of safety precautions at railroad crossings (House, No. 3527),— came from the House with the endorsement that the House had concurred in the Senate amendments:

In section 1, by inserting after the figure "\$1,000", in line 7, the following words:— "or by being required to perform a total of 100 hours of community service which may include service in the operation lifesaver program";

In section 1, by inserting after the figure "\$500", in line 11, the following words:— "or by being required to perform a total of 50 hours of community service which may include service in the operation lifesaver program"; and

By adding the following section:—

"SECTION 2. Section 218 of chapter 160 of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the words "one hundred dollars" and inserting in place thereof the following words:— "\$500 or shall be required to perform a total of 50 hours of community service which may include service in the operation lifesaver program"; *with a further amendment*, by striking out after the enacting clause and inserting in place thereof the following:

"SECTION 1. Section 15 of chapter 90 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following two sentences:— Whoever violates any provisions of this section and is operating a school bus, or any motor vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, shall be punished by a fine of not less than \$500 or by being required to perform a total of 100 hours of community service which may include service in the operation lifesaver program. All other persons violating the provisions of this section not operating a school bus, or any motor vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, shall be punished by a fine of not less than \$100 nor more than \$200 or by being required to perform a total of 50 hours of community service which may include service in the operation lifesaver program.

SECTION 2. Section 218 of chapter 160 of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— Whoever knowingly, without right is present, stands, walks, or rides a bicycle, snow vehicle, recreational or other vehicle on the right-of-way, bridge, or other property of, or used or controlled by any railroad corporation, except at a highway or other authorized grade crossing and except on rights-of-way formally abandoned pursuant to state or federal law and no longer owned by said railroad corporation or rights-of-way owned by said railroad corporation but which have been converted or leased specifically for use as a bicycle or walking path in accordance with state or federal laws, shall be fined \$100 or shall be required to perform a total of 50 hours of community service which may include service in the operation lifesaver program, so-called."

The rules were suspended, on motion of Mr. Jajuga, and the further House amendment was considered forthwith and adopted, in concurrence (as corrected by the committee on Bills in the Third Reading).

A Bill authorizing the town of Greenfield to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 5803,— on petition) [Local approval received],— was read.

There being no objection, the rules were suspended, on motion of Mr. Nuciforo, 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 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 recreation commission of the town of Swampscott (see Senate, No. 2255, amended);

Authorizing the town of Grafton to abate a certain betterment (see House, No. 5576); and

Authorizing the town of Fairhaven to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 5804).

A petition (accompanied by bill, House, No. 5888) of Patricia A. Walrath and Robert A. Antonioni (by vote of the town) relative to the certification for appointment by the Personnel Administrator of certain reserve police officer positions in the town of Lancaster,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

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 relative to a certain sewer connection in the town of Walpole (Senate, No. 2336),— **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.

Petition.

On motion of Mr. Magnani, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Shannon (accompanied by bill) of Charles E. Shannon, Vincent P. Ciampa, Patricia D. Jehlen and Timothy J. Toomey, Jr. (with the approval of the mayor and the city council) for legislation relative to the sale of wine and malt beverages in the city of Somerville [Local approval received],— **and the same was referred to the committee on Government Regulations.**

Sent to the House for concurrence.

Report of Committees.

By Mr. Clancy, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Stephen M. Brewer and Patrick F. Landers III (by vote of the town) for legislation to authorize the certification for appointment of Edward Wloch as a firefighter in the town of Ware notwithstanding the maximum age requirements [Local approval received].

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

Sent to the House for concurrence.

Order Adopted.

On motion of Ms. Melconian,—

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. Rauschenbach, at twelve minutes past eleven o'clock A.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.