

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 17, 1998.

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

Report.

A report of the Senate Committee on Ethics (filed pursuant to Senate Rule 12A) summarizing its activities for 1998,— **was placed on file.**

Reports of Committees.

By Mr. Moore, for the committee on Public Service, on petition, a Bill Wampanoag tribe of Gay Head (Aquinnah) (Senate, No. 2362);

Read and, under Senate Rule 27, referred to the committee on Ways and Means.

By Mr. Morrissey, for the committee on Government Regulations, on petition, a Bill clarifying malt beverage and wine tastings (Senate, No. 2364); and

By Mr. Tarr, for the committee on Natural Resources and Agriculture, on petition, a Bill authorizing certain structures to be exempted from certain harbor lines within Smith Cove, Gloucester Harbor, in the city of Gloucester (Senate, No. 2358, changed in section 1 by striking out the words "to place, maintain and repair", in lines 4 and 5 and inserting in place thereof the words "which approves or modifies the placement of"; by striking out the word "is" in line 6, and inserting in place thereof the word "are"; by striking out the word "ninety-nine" in line 13, and inserting in place thereof the word "thirty"; and by adding at the following new section:—

"Section 2. Nothing in this act shall be construed to exempt the float described in section 1 from compliance with and potential modification in accordance with the provisions of chapter 91 of the General Laws and the rules and regulations promulgated pursuant thereto, except with respect to the harbor line requirements of sections 14 and 34 of said chapter 91 as specifically authorized in this act which may include modifications to said float.") (Representative Petersen of Marblehead dissenting);

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

Papers from the House

A message from His Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to authorizing the town of Holbrook to establish a betterment reserve fund (House, No. 5897),— **was referred, in concurrence, to the committee on Local Affairs.**

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5898) of Paul C. Casey and Richard R. Tisei (by vote of the town) relative to the selectmen-administrator form of government in the town of Stoneham;

To the committee on Local Affairs.

Petition (accompanied by bill, House, No. 5899) of Joseph T. Geller, John A. Businger, Steven A. Tolman, Lois G. Pines, David T. Donnelly and others (by vote of the town) relative to authorizing the town of Brookline to establish a retiree health care liability trust fund;

To the committee on Public Service.

Order 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 December 31, 1998 within which to make its final report on Senate document numbered 2247, relative to the school committee of the city of Malden.

The order was considered forthwith, and adopted.

Sent to the House for concurrence.

Bill Recalled from the Acting Governor Laid Before the Senate.

On motion of Mr. Moore, 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 water and sewer services of the town of Hopedale (see House, No. 5816).

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

There being no objection, on motion of Mr. Moore, 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. An amendment, previously presented by Mr. Amorello, inserting after the words "provisions of" the following:—"section 4A of,"— **was read and adopted.**

Sent to the House for concurrence in the amendment.

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 a town administrator in the town of Lakeville (see Senate, No. 2351);

Relative to the charter of the town of Eastham (see House, No. 4661, amended);

Authorizing the town of North Reading to establish a certain fund (see House, No. 5464, amended);

Authorizing the town of Grafton to execute a certain lease (see House, No. 5646);

Relative to the taxation of certain real estate in the town of Marshfield (see House, No. 5674); and

Establishing a capital investment fund in the town of Boylston (see House, No. 5793).

Resolutions.

Resolutions (filed by Mr. Rauschenbach) "honoring Harry E. Bud' Clute of Nantucket", 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 Mr. Bernstein, and adopted.

Report of Committees.

By Mr. Rosenberg, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Michael R. Knapik, Evelyn G. Chesky and Walter A. DeFilippi for legislation to grant an easement to the Holyoke Community College Foundation.

Senate Rule 36 was suspended, on motion of Mr. Shannon, 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.

Sent to the House for concurrence.

Reconsideration.

On motion of Mr. Moore, the Senate reconsidered the vote by which, at the previous session, it had referred to the committee on Human Services and Elderly Affairs the Senate petition of Mark C. Montigny and Brian A. Joyce for legislation to further define qualifying individuals for certain benefits.

On motion of Mr. Moore, the petition was referred to the committee on Health Care.

Report of a Committee.

By Mr. Moore, for the committee on Public Service, on petition, a Bill authorizing the certification for appointment of Edward Wloch as a firefighter in the town of Ware notwithstanding the maximum age requirement (Senate, No. 2365) [Local approval received].

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.

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 House Bill directing the Somerville Retirement Board to retire Sean J. Canty, a police officer of the city of Somerville (House, No. 5835),— was read a second time and was amended, on motion of Mr. Shannon, in section 1, by inserting after the word "officer", in line 7, the following words:— ", upon determination in accordance with the procedures and requirements of section 7 of chapter 32 of the General Laws that such member is unable to perform the essential duties of his job and that such inability is likely to be permanent and that he should be so retired"; and in the second paragraph of section 1, by striking out the third sentence.

The bill, as amended, was then ordered to a third reading. The bill was read a third time and passed to be engrossed, in concurrence, with the amendments.

Sent to the House for concurrence in the amendments.

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