

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, December 23, 1998.

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

Report.

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 Bridgewater State Hospital (received Monday, December 21, 1998),— **was read and sent to the House for its information.**

Petition.

Mr. Panagiotakos presented a petition (subject to Joint Rule 12) of Steven C. Panagiotakos, Thomas A. Golden, Jr., and Kevin J. Murphy for legislation to extend the reporting date for the special commission established to make an investigation and study of low income housing in the city of Lowell,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Papers from the House.

A Bill relative to the date of town elections in the town of Stoughton (House, No. 5875,— on petition) [Local approval received],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Messages were referred, in concurrence, as follows:

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 validating the actions taken at an annual town meeting of the town of Blackstone (House, No. 5905); and

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 authorizing the town of Dennis to convey a certain parcel of land (House, No. 5906);

Severally to the committee on Local Affairs.

Report of a Committee.

By Mr. Pacheco, for the committee on State Administration, on petition, a Bill granting an easement to the Holyoke Community College Foundation (Senate, No. 2370);

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

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 Tolman of Middlesex and Suffolk to fill the vacancy.

Papers from the House.

Engrossed Bills.

The following engrossed bills (all of which originated in the House), 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 Brockton 21st Century Corporation (see House, No. 4601, amended);

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

Relative to water and sewer services of the town of Hopedale (see House, No. 5816, amended).

Report of a Committee.

By Mr. Morrissey, for the committee on Government Regulations, on petition, a Bill relative to the sale of wines at auctions (Senate, No. 2363, changed 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 authorize forthwith the issuance of sale of wine at auctions, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

There being no objection, the rules were suspended, on motion of Mr. Morrissey, and the bill was read a second time. Mr. Morrissey moved that the bill be amended by substituting a new draft entitled: "An Act authorizing the issuance of certain temporary licenses for the sale of wines to be drunk on the premises" (Senate, No. 2371). The amendment was adopted. The new draft (Senate, No. 2371) was ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for 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 relative to certain actions of the Board of Bank Incorporation and the Commissioner of Banks (see House, No. 41).

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

There being no objection, on motion of the same Senator, the Senate reconsidered the vote by which, at a previous session, it had passed the bill to be enacted.

On motion of Mr. Tisei, Senate Rule 49 was suspended. Ms. Walsh presented an amendment in section 2, in the twelfth paragraph, by striking out, in lines 87 and 94 (as printed) the words "and council".

The amendment was adopted.

Sent to the House for concurrence in the amendment.

Resolutions.

Resolutions (filed by Mr. Magnani) "honoring the Christopher Columbus Society of Framingham on the occasion of its ninetieth birthday celebration", were referred, under the rule, to the committee on Rules.

Subsequently, Mr. Rosenberg, 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. Rosenberg, and adopted.

Resolutions (filed by Mr. Rosenberg, Ms. Melconian and Mr. Lees) "congratulating the University of Massachusetts Minutemen Football Team", were referred, under the rule, to the committee on Rules.

Subsequently, Mr. Rosenberg, 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. Rosenberg, and 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 bills

Authorizing the town of Eastham to establish a land acquisition and maintenance fund (House, No. 5710); and

Authorizing the town of Eastham to establish an Eastham promotions fund (House, No. 5712);

Were severally 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 establishing a capital projects fund in the town of Wakefield (House, No. 5792, changed,— originally ought NOT to pass under Joint Rule 10 from the committee on Local Affairs) [Local approval received],— was read.

There being no objection, the rules were suspended, on motion of Mr. Tisei, 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 House Bill providing for an elected board of sewer commissioners in the town of Kingston (House, No. 5891),— was read.

The rules were suspended, on motion of Ms. Murray, and the bill was read a second time.

Pending the question on ordering the bill to a third reading, Ms. Murray moved that the bill be amended by adding the following two sections:—

"SECTION 2. Chapter 136 of the acts of 1997 is hereby repealed.

SECTION 3. Section 2 shall take effect upon the election of the members of the board of water commissioners as provided in section 1."

The amendment was adopted.

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

Sent to the House for concurrence in the amendment.

Engrossed Bill — Amended.

An engrossed Bill relative to fire departments (see House, No. 990, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Pending the question on passing the bill to be enacted, on motion of Mr. Bernstein, Senate Rule 49 was suspended.

Mr. Lees presented an amendment striking out all after the enacting clause and inserting in place thereof the following text:

"Chapter 48 of the General Laws is hereby amended by striking out section 44A, as appearing in the 1996 Official Edition, and inserting in place thereof the following section:—

Section 44A. No city or town or the Massachusetts Port Authority or the Massachusetts Development Finance Agency shall contract with a private for-profit firefighting unit to operate within said city or town or on property controlled by said Authority or said Agency, unless said unit has been certified by the department of public safety. Nothing in this section shall prevent said Authority from continuing to operate its airports in accordance with federal law."

The amendment was adopted.

Sent to the House for concurrence in the amendment.

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.

Committee Changes.

The President announced the resignation of Senator Tolman of Middlesex and Suffolk as a member of the committee on Bills in the Third Reading and the reappointment of Senator Jacques of Norfolk, Bristol and Middlesex thereto.

On motion of Mr. Rauschenbach, at seventeen minutes past eleven o'clock A.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.