

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 31, 1998.

Met at seven minutes past eleven o'clock A.M. (Ms. Melconian in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

Communications.

A communication from William D. Sivert, Chief of Staff, Department of Industrial Accidents, submitting the department's 1997 annual report including the advancement of the Commonwealth's worker's compensation system and the progress of the department (received Thursday, December 24, 1998),— **was placed on file.**

Notice was received from the Department of Telecommunications and Energy that Commissioner Paul B. Vasington had been appointed to the special commission (established pursuant to section 430 of Chapter 194 of the Acts of 1998) to study the provision of telecommunications services by municipal light plants. **The communication was placed on file.**

Reports.

A report of the Massachusetts Water Pollution Abatement Trust (under the provisions of Section 17 of Chapter 29C of the General Laws) submitting its comprehensive annual financial report, including the general purpose financial statements for the fiscal year ended June 30, 1998 (received Wednesday, December 30, 1998); copies having been forwarded to the President of the Senate and to the Chairman of the Senate Committee on Ways and Means,— **was placed on file.**

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 Old Colony Correctional Center, in the town of Bridgewater (received Monday, December 28, 1998),— **was read and sent to the House for its information.**

Papers from the House.

The Senate Bill relative to the jurisdiction of the Juvenile Court Department (Senate, No. 2375),— came from the House passed to be engrossed, in concurrence, *with amendments*:

Striking out section 2 and inserting in place thereof the following four sections:

"SECTION 2. Chapter 208 of the acts of 1997 is hereby amended by striking out section 1 and inserting in place thereof the following section:—

Section 1. The jurisdiction of the district court juvenile sessions effective on July 26, 1996 shall continue in effect, except as amended by chapter 200 of the acts of 1996, until such time as a division of the juvenile court department having territorial jurisdiction corresponding to that of such division of the district court department is established or January 1, 1999, whichever shall first occur, pursuant to section 203 of chapter 379 of the acts of 1992; provided, however, that the divisions of the district court department in the counties of Middlesex and Norfolk shall continue to accept such cases and petitions for filing and issue process therein, until such time as a division of the juvenile court department having territorial jurisdiction corresponding to such divisions of the district court department is established, or January 1, 2000, whichever shall first occur.

SECTION 3. The second paragraph of section 9 of chapter 118E of the General Laws, as amended by section 26 of chapter 88 of the acts of 1997, is hereby further amended by adding the following sentence:— Benefits shall be made available to qualifying individuals as described in section 1933 of the Social Security Act (42 U.S.C. Sec. 1396u-3).

SECTION 4. The division of medical assistance shall provide the benefits described in section 3 of this act beginning October 1, 1998, to any eligible persons who seeks such benefits on or before June 30, 1999; and, for eligible persons who apply for such benefits after June 30, 1999, said division shall provide such benefits up to three months prior to the month of application; provided, however, that federal funding is available to reimburse said division for its expenditures for such benefits.

SECTION 5. The provisions of sections 3 and 4 of this act shall take effect on December 31, 1998."; 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 make forthwith certain changes in the laws of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."; and by striking out the title and inserting in place thereof the following title: "An Act relative to making certain changes in the laws of the Commonwealth."

The rules were suspended, on motion of Mr. Shannon, and the House amendments were considered forthwith and adopted, in concurrence.

The Senate Bill modifying the Pittsfield Economic Development Authority (Senate, No. 2367),— came from the House passed to be engrossed, in concurrence, *with amendments*:

Striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5909; 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 make forthwith certain changes in certain laws, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."; and by striking out the title and inserting in place thereof the following title: "An Act making changes to certain laws."

The rules were suspended, on motion of Ms. Wilkerson, and the House amendments were considered forthwith and adopted, in concurrence (as corrected by the committee on Bills in the Third Reading).

The Senate Bill to implement a program of reemployment assistance to employees terminated as a result of the restructuring of the utility industry (Senate, No. 2332),— came from the House passed to be engrossed, in concurrence, *with an amendment*, striking out after the enacting clause and inserting in place thereof the text of House document numbered 5887 (as corrected by the committee on Bills in the Third Reading).

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

A petition (accompanied by bill, House, No. 5910) of Rachel Kaprielian (by vote of the town council) relative to the composition of the licensing board of the city known as the town of Watertown,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Government Regulations.**

Engrossed Bills.

The following engrossed bills (the first two 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 Acting President and laid before the Acting Governor for his approbation, to wit:

Protecting owners of certain land (see Senate, No. 805, amended);

Authorizing the acceptance of streets in the town of Tolland (see Senate, No. 2285);

Relative to school bus inspections (see House, No. 2360, amended);

Relative to liability insurance for day care facilities (see House, No. 5344);

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

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

Establishing a capital projects fund in the town of Wakefield (see House, No. 5792, changed);

Authorizing the town of Cohasset Water Department to provide water services to other cities, towns and water companies (see House, No. 5872); and

Providing for an elected board of sewer commissioners in the town of Kingston (see House, No. 5891, amended).

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 authorizing the imposition of fees for the employment of certain outside consultants by the town of East Longmeadow (House, No. 2719),— **was read a third time and passed to be engrossed, in concurrence.**

The House bills

Relative to the retirement allowance of John B. LaClair (House, No. 5587); and

Relative to filling vacancies in the office of mayor of the city of Chicopee (House, No. 5880);

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.

The Senate Bill designating the South Station Transportation Center Bus Terminal in Boston as the John J. "Happy" Coombs Terminal (Senate, No. 1537),— came from the House passed to be engrossed, in concurrence, *with an amendment*, by striking out all after the enacting clause and inserting in place thereof the following:

"The Massachusetts Bay Transportation Authority shall install and maintain a plaque at the South Station Transportation Center Bus Terminal in the city of Boston, in honor and in memory of John J. Happy' Coombs."

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

The Senate Bill relative to the Massachusetts retirement board (Senate, No. 2320),— came from the House passed to be engrossed, in concurrence, *with an amendment*, in section 1, line 6, and also in section 2, line 7, by striking out the following:

"from 1981 to 1989" and inserting in place thereof, in each instance, the following: "; provided, however, that any credit to be allowed shall not exceed five years of the maximum credit of ten years allowable for service in other states as provided in said subdivision (4)."

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

The House Bill relative to fire departments (House, No. 990, amended),— came from the House with the endorsement that the House had concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the following:

"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, 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."; *with a further amendment* striking out all after the enacting clause and inserting in place thereof the following:

"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:—

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 with 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 section shall prevent or preclude said Massachusetts Port Authority from the continuous operation of its airports in accordance with federal law."

The rules were suspended, on motion of Ms. Wilkerson, and the further House amendment was considered forthwith and adopted, in concurrence.

The House Bill relative to granting cost of living adjustments to non-contributory retirees (House, No. 5469),— came from the House with the endorsement that the House had concurred in the Senate amendment inserting before section 1 the following:

"SECTION 1. Subdivision (1) of section 4 of chapter 32 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after paragraph (o) the following paragraph:—

(o½) Any member, eligible to receive a retirement benefit pursuant to the provisions of this chapter, who served as a library trustee for a city or town, in which position he received no compensation, may establish credit for such service by depositing in the annuity savings fund of the system of which he is a member a sum equal to the amount which would have been paid into such fund during such period if such position had been compensated at the rate of \$2,500 per year, plus regular interest to the date of payment. This paragraph shall apply only to persons who served as library trustees in a city or town that has accepted or thereafter accepts this paragraph, in a town by vote of the annual town meeting and in a city by vote of the city council subject to the provisions of its charter.";— *with a further amendment* striking out section 1 (inserted by amendment by the Senate) and inserting in place thereof the following section:

"SECTION 1. Subdivision (1) of section 4 of chapter 32 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after paragraph (o) the following paragraph:—

"(o½) Any member, eligible to receive a retirement benefit pursuant to the provisions of this chapter, who served as a library trustee for a city or town, in which position he received no compensation, may establish credit for such service by depositing in the annuity savings fund of the system of which he is a member a sum equal to the amount which would have been paid into such fund during such period if such position had been compensated at the rate of \$2,500 per year, plus regular interest to the date of payment. This paragraph shall apply only to persons who served as library trustees in a city or town that accepts this paragraph, in a town by vote of the annual town meeting and in a city by vote of the city council subject to the provisions of its charter."

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

A Bill authorizing the city of Everett to issue certain pension obligation bonds (House, No. 5876,— on petition) [Local approval received],— was read.

There being no objection, the rules were suspended, on motion of Mr. Shannon, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

A Bill authorizing Thomas A. Zine to be admitted into the State Police Academy, notwithstanding the maximum age requirement (House, No. 5896,— on petition),— 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.

A Bill authorizing the town of Brookline to establish a retiree healthcare liability trust fund (House, No. 5899,— on petition) [Local approval received],— was read.

There being no objection, the rules were suspended, on motion of Ms. Wilkerson, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Emergency Preamble Adopted.

An engrossed Bill authorizing the issuance of certain temporary licenses for the sale of wines to be drunk on the premises (see Senate, No. 2371), 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 5 to 0. The bill was signed by the Acting President and sent to the House for enactment.**

Resolutions.

Resolutions (filed by Ms. Walsh) "congratulating Donald E. Barry, Jr., on the occasion of his Court of Honor", 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 Ms. Wilkerson, and adopted.

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.

Adjournment in memory of Clara Barton.

Mr. Moore presented a request that when the Senate adjourns today, it adjourn in memory of Clara Barton, a native of Oxford, Massachusetts who is being recognized this week for her distinguished career as a dedicated teacher, battlefield nurse, Civil War organizer, visionary founder of the American Red Cross and for pioneering the role of women in America. This motion prevailed.

Accordingly, as a mark of respect to the memory of Clara Barton, at twenty-seven minutes past eleven o'clock A.M., on motion of Mr. Knapik, the Senate adjourned to meet on Monday at eleven o'clock A.M.