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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



Thursday, January 27, 2000.

Met at nineteen minutes past one o'clock A.M.

Communication.

A communication was received from His Excellency the Governor relative to the general concerns of the Commonwealth for the year 2000 (Senate, No. 2085). The address was delivered by the Governor in Lowell on Thursday, January 20, 2000. **The communication was placed on file.**

Report.

A report of the Worcester Regional Transit Authority (under Section 8(g) of Chapter 161B of the General Laws) submitting its annual report for fiscal year 1999 (received Thursday, January 27, 2000),— **was read and sent to the House for its information.**

Reports of Committees.

By Ms. Creem, for the committee on Criminal Justice, on petition (accompanied by bill, Senate, No. 2074), an Order relative to authorizing and directing the joint committee on Criminal Justice to make an investigation and study of Senate document numbered 2074, relative to communicating a terroristic threat (Senate, No. 2084);

Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Joyce, for the committee on Public Service, on the recommitted petition, a Bill relative to teachers' retirement credit (Senate, No. 1248);

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

By Mr. Joyce, for the committee on Public Service, on the recommitted petition, a Bill designating Robert L. Pais as a permanently disabled police officer (Senate, No. 1241) [Local approval received] (Representative Casey of Winchester dissenting);

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

Committees Discharged.

Ms. Melconian, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration

Of the Senate Order relative to authorizing the joint committee on Housing and Urban Development to make an investigation and study of Senate document numbered 2066, relative to the disposition of public housing (Senate, No. 2079); and

Of the Senate Order relative to authorizing and directing the joint committee on Public Safety to make an investigation and study of Senate document numbered 2075, relative to distinctive registration plates (Senate, No. 2080);

And recommending that the same severally be referred to the Senate committee on Rules.

Under Senate Rule 36, the reports were severally considered forthwith and accepted.

Ms. Melconian, for the committee on Rules, to whom was referred the Senate Order relative to authorizing the joint committee on Health Care to make an investigation and study of certain Senate documents and House document numbered 2516, relative to nursing staffing levels (Senate, No. 1983), reported, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 489) of Mark C. Montigny, Douglas W. Petersen, Brian Paul Golden, Stephen P. LeDuc and other members of the General Court for legislation to require nursing homes to maintain safe staffing levels to protect the health and safety of residents;

Of the petition (accompanied by bill, Senate, No. 499) of Marc R. Pacheco and Susanna Segat for legislation to require nursing home corporations operating within the Commonwealth to maintain safe staffing levels; and

Of the petition (accompanied by bill, House, No. 2516) of Ruth W. Provost, Douglas W. Petersen, Carol A. Donovan, Shirley Gomes and Steven A. Tolman for legislation to require nursing home corporations to maintain staffing levels;

And recommending that the same severally be recommitted to the committee on Health Care.

The same Senator, for the same committee, to whom was referred the Senate Order relative to authorizing and directing the joint committee on Taxation to make an investigation and study of various Senate documents relative to excise, income, property and sales taxes (Senate, No. 1883), reports, in part, asking to be discharged from further consideration of the Senate petition (accompanied by bill, Senate, No. 1594) of Richard T. Moore, Charles E. Shannon and other members of the General Court for legislation to exempt blood glucose monitoring strips from the sales tax,— and recommending that the same be recommitted to the committee on Taxation.

Under Senate Rule 36, the reports were severally considered forthwith and adopted.

PAPER FROM THE HOUSE.

A Bill relative to nongroup health insurance products (House, No. 4993,— on House, No. 992),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Authorizing the city of Leominster to establish an open space fund (Senate, No. 1985);

To facilitate the viability of Hale Hospital (Senate, No. 2022);

Relative to the town of Watertown (Senate, No. 2026);

Providing that the title of executive secretary be changed to town administrator for the town of Acushnet (Senate, No. 2037);

Relative to the agency powers of banks to provide certain banking transactions and to share office locations (House, No. 14);

Increasing the bond limit of the Cotuit Fire District (House, No. 475);

Relative to veterinarians reporting cruelty to animals (House, No. 1033);

Providing for binding initiatives in towns (House, No. 2317, amended);

Relative to the sale of alcoholic beverages (House, No. 2324);

Relative to the leasing of certain property by the towns of Groveland, Merrimac and West Newbury (House, No. 3112);

Relative to the sale of gas heating equipment (House, No. 3538);

Designating a portion of Route 6 in the town of Barnstable as the Korean War Memorial Highway (House, No. 3789);

Relative to the Nantucket Historic District (House, No. 4047);

Relative to the charter of the town of Truro (House, No. 4321);

Authorizing the town of Canton to rescind its acceptance of certain provisions of the General Laws (House, No. 4326);

Relative to cluster developments (House, No. 4435);

Relative to the charter of the town of Norton (House, No. 4717);

Authorizing the town of Norton to use certain land for passive recreation purposes (House No. 4718);

Providing for the appointment of a treasurer/collector in the town of Norton (House, No. 4719);

Authorizing the town of Scituate to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4872); and

Relative to countersignature requests of certain insurance policies (House, No. 4883);

Were severally read a second time and ordered to a third reading.

The House Bill relative to the parking of motorcycles (House, No. 2008),— **was read a second time; and, after remarks, was ordered to a third reading.**

The House Bill relative to deceased depositors (House, No. 4586),— **was read a second time; and, after remarks, was ordered to a third reading.**

The House Bill relative to foothold traps and certain other devices (House, No. 4884),— was read a second time.

Pending the main question on ordering the bill to a third reading, on motion of Mr. Pacheco, the further consideration thereof was postponed until Thursday, February 3.

The Senate Bill authorizing group insurance for certain municipal employees (Senate, No. 1352) (its title having been changed by the committee on Bills in the Third Reading),— was read a third time, the main question being on passing the bill to be engrossed.

After remarks, the question thereon was determined by a call of the yeas and nays, at twenty-eight minutes before two o'clock P.M., on motion of Mr. Tarr, as follows, to wit: (yeas 39 — nays 0):

YEAS.

Antonioni, Robert A.
 Bernstein, Robert A.
 Berry, Frederick E.
 Brewer, Stephen M.
 Clancy, Edward J., Jr.
 Creedon, Robert S., Jr.
 Creem, Cynthia Stone
 Fargo, Susan C.
 Glodis, Guy W.
 Havern, Robert A.
 Hedlund, Robert L.
 Jacques, Cheryl A.
 Jajuga, James P.

Montigny, Mark C.
 Moore, Richard T.
 Morrissey, Michael W.
 Murray, Therese
 Nuciforo, Andrea F., Jr.
 Pacheco, Marc R.
 Panagiotakos, Steven C.
 Rauschenbach, Henri S.
 Resor, Pamela
 Rosenberg, Stanley C.
 Shannon, Charles E.
 Sprague, Jo Ann
 Tarr, Bruce E.

Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M. — 39.

Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne

NAYS — 0.

The yeas and nays having been completed at twenty-two minutes before two o'clock P.M., the bill was passed to be engrossed.

Sent to the House for concurrence.

The House Bill providing for the licensing of perfusionists (House, No. 1183, amended) (its title having been changed by the committee on Bills in the Third Reading),— was read a third time, the main question being on passing the bill to be engrossed, in concurrence.

After remarks, the question thereon was determined by a call of the yeas and nays, at seventeen minutes before two o'clock P.M., on motion of Mr. Bernstein, as follows, to wit: (yeas 39 — nays 0):

YEAS.

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M. — 39.

Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne

NAYS — 0.

The yeas and nays having been completed at fourteen minutes before two o'clock P.M., the bill was passed to be engrossed, in concurrence, with an amendment.

Sent to the House for concurrence in the amendment previously adopted by the Senate.

The Senate Bill relative to the crime of criminal harassment (Senate, No. 2082),— was considered. After remarks, Ms. Melconian in the Chair, the question on passing it to be engrossed was determined by a call of the yeas and nays, at one minute before two o'clock P.M., on motion of Ms. Resor, as follows, to wit (yeas 39 — nays 0):

YEAS.

Antonioni, Robert A.

Bernstein, Robert A.

Berry, Frederick E.

Brewer, Stephen M.

Clancy, Edward J., Jr.

Creedon, Robert S., Jr.

Creem, Cynthia Stone

Fargo, Susan C.

Glodis, Guy W.

Havern, Robert A.

Hedlund, Robert L.

Jacques, Cheryl A.

Jajuga, James P.

Joyce, Brian A.

Knapik, Michael R.

Lees, Brian P.

Lynch, Stephen F.

Magnani, David P.

Melconian, Linda J.

Menard, Joan M. — 39.

Montigny, Mark C.

Moore, Richard T.

Morrissey, Michael W.

Murray, Therese

Nuciforo, Andrea F., Jr.

Pacheco, Marc R.

Panagiotakos, Steven C.

Rauschenbach, Henri S.

Resor, Pamela

Rosenberg, Stanley C.

Shannon, Charles E.

Sprague, Jo Ann

Tarr, Bruce E.

Tisei, Richard R.

Tolman, Steven A.

Travaglini, Robert E.

Tucker, Susan C.

Walsh, Marian

Wilkerson, Dianne

NAYS — 0.

The yeas and nays having been completed at two minutes past two o'clock P.M., the bill was passed to be engrossed.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Engrossed Bill — Land Taking for Conservation, Etc.

An engrossed Bill authorizing the Dennis Water District to convey to the town of Dennis a certain parcel of land and easements (see House, No. 4622) (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; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at three minutes past two o'clock P.M., as follows, to wit (yeas 39 — nays 0):

YEAS.

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M. — 39.

Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne

NAYS — 0.

The yeas and nays having been completed at six minutes past two o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

Engrossed Bills.

The following engrossed bills (both 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 Governor for his approbation, to wit:

Relative to the charter of the town of Swampscott (see House, No. 4910); and

Authorizing the city of Lawrence to continue the employment of police officer Paul Sutton (see House, No. 4913, amended).

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—

Resolutions (filed by Mr. Antonioni) “congratulating Cadet Second Lieutenant Tim Nelson, Civil Air Patrol”;

Resolutions (filed by Ms. Jacques, Messrs. Nuciforo, Rauschenbach, Rosenberg, Shannon, Ms. Walsh, Mr. Moore, Ms. Melconian and Mr. Knapik) “urging the Congress of the United States to make an investigation and study of the shortage and cost of home heating oil in the Northeast”; and

Resolutions (filed by Mr. Tolman) “honoring the life of Matthew J. Bierne III”.

Order Adopted.

Messrs. Lees and Jajuga offered the following order, to wit:

Ordered, That the special committee of the Senate established to make an investigation relative to seat belt use be granted until April 6, 2000, the time within which to make its report.

There being no objection, the order was considered forthwith and adopted.

PAPERS FROM THE HOUSE.

Orders Adopted.

The following House orders (severally approved by the committees on Rules of the two branches, acting concurrently) were severally considered forthwith and adopted, in concurrence, to wit:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Election Laws be granted until Tuesday, March 28, 2000, the time within which to make its final report on current House documents numbered 4858 and 4859.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Human Services and Elderly Affairs be granted until Monday, February 7, 2000, the time within which to make its final report on current House documents numbered 2703, 2710, 3272 and 4948, relative to municipal recreation programs and the care and protection of children.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Local Affairs be granted until Friday, January 28, 2000, within which time to make its final report on House documents numbered 4911 and 4920, concerning a land transfer in the city of Springfield and the investment of trust funds in the town of Winchester.

The Senate petition (accompanied by bill, Senate, No. 2086) of Robert A. Antonioni and Robert S. Hargraves (by vote of the town) for legislation relative to certain insurance coverage for a former employee of the town of Townsend,— came from the House with the endorsement that the House had concurred in the suspension of Joint Rule 12 and had NON-concurred in the reference to the committee on Local Affairs. The bill bore the further endorsement that the House had referred the petition to the committee on Public Service.

On motion of Mr. Berry, the Senate receded from its reference to the committee on Local Affairs and concurred in the reference to the committee on Public Service.

A petition (accompanied by bill, House, No. 4994) of William M. Straus and Steven A. Tolman relative to the privacy rights of consumers of certain financial institutions,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Banks and Banking.**

Order Adopted.

On motion of Ms. Jacques,—

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. Lees, at thirteen minutes past two o'clock P.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.
