

**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, February 4, 1999.

Met at a quarter past one o'clock P.M.

### *Communication.*

A communication from the Clerk, announcing his appointment of William F. Welch of Milford as Assistant Clerk of the Senate, and Michael D. Hurley of Boston as Second Assistant Clerk of the Senate,— was placed on file.

### *Petitions.*

Mr. Bernstein presented a petition (accompanied by bill, Senate, No. 1720) of Robert A. Bernstein, William J. McManus II, Guy W. Glodis, John J. Binienda, other members of the General Court and others (with the approval of the mayor and city council) for legislation to authorize the change of custody and use of certain land by the city of Worcester [Local approval received], — **and the same was referred, under Senate Rule 20, to the committee on Local Affairs.**

**Sent to the House for concurrence.**

Petitions were presented and referred, as follows:

By Mr. Jajuga, a petition (subject to Joint Rule 12) of James P. Jajuga for legislation to protect consumers in telemarketing solicitation; and

By Ms. Wilkerson, a petition (subject to Joint Rule 12) of Dianne Wilkerson for legislation to establish a pilot program to deliver comprehensive services to certain individuals under the care and supervision of the Department of Youth Services;

**Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

### *Committee Discharged.*

Ms. Murray, for the committee on Human Services and Elderly Affairs, reported, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 607) of Therese Murray, Henri S. Rauschenbach, Eric Turkington, Nancy J. Caffyn and Ruth W. Provost for legislation relative to coverage under the Children's and Seniors' Health Care Assistance Fund for a pilot pediatric oral health program,— and recommending that the same be referred to the committee on Health Care;

Of the petition (accompanied by resolve, Senate, No. 633) of Steven A. Tolman that provision be made for an investigation and study by a special commission (including members of the General Court) relative to programs for prisoners; and

Of the petition (accompanied by resolve, Senate, No. 634) of Steven A. Tolman that provision be made for an investigation and study by a special commission (including members of the General Court) relative to programs for elderly prisoners;

And recommending that the same severally be referred to the committee on Public Safety; and

Of the petition (accompanied by bill, Senate, No. 617) of Therese Murray for legislation relative to the child support obligations of prisoners in the Commonwealth,— and recommending that the same be referred to the committee on Taxation.

**Under Senate Rule 36, the reports were severally considered forthwith and accepted. Severally sent to the House for concurrence.**

#### **PAPERS FROM THE HOUSE.**

Messages were referred, in concurrence, as follows:

Message from His Excellency the Governor recommending legislation relative to requiring repeat offenders to serve sentences for every crime (House, No. 2467);

**To the committee on Criminal Justice.**

Message from His Excellency the Governor recommending legislation relative to crime, criminal penalties and related matters (House, No. 2468);

So much as relates to electronic surveillance by law enforcement (App. A);

So much as relates to the obstruction of justice (App. B);

So much as relates to establishing the crime of racketeering activity through a criminal enterprise (App. C);

So much relates to establishing the crime of money laundering (App. D);

So much as relates to permitting disclosure of tax returns and tax return information for use in criminal investigations (App. E); and

So much as relates to the definition of the crime of witness intimidation (App. F);

**Severally to the committee on Criminal Justice; and**

So much as relates to providing for the authorization of pen register and trap and trace devices for use by law enforcement authorities (App. G);

**To the committee on the Judiciary.**

#### **Orders of the Day.**

The Orders of the Day were considered as follows:

A report of the committee on Rules recommending the adoption of permanent rules of the Senate for the present General Court with recommended changes (Senate, No. 1681),— was considered, the question being on acceptance.

Messrs. Lees, Tisei, Knapik, Tarr, Rauschenbach and Hedlund and Mrs. Sprague moved to amend the report (Senate, No. 1681) in Rule 12A by striking out the first sentence and inserting in place thereof the following:—

"There shall be a standing committee on Ethics consisting of six members, three of whom shall be appointed by the Senate President and three of whom shall be appointed by the Senate Minority Leader in the beginning of the first year of the biennial session of the General Court"; and in Rule 13 by adding at the beginning of the second sentence of paragraph (b), before the words "the President," the following:— "Except as provided in Rule 12A,".

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-nine minutes past one o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 7 — nays 30):

#### **YEAS.**

Hedlund, Robert L.

Sprague, Jo Ann

Knapik, Michael R.

Tarr, Bruce E.

Lees, Brian P.

Tisei, Richard R. — 7.

Rauschenbach, Henri S.

#### **NAYS.**

Antonioni, Robert A.

Melconian, Linda J.

Bernstein, Robert A.

Montigny, Mark C.

Berry, Frederick E.

Moore, Richard T.

Brewer, Stephen M.

Morrissey, Michael W.

Clancy, Edward J., Jr.

Murray, Therese

Creedon, Robert S., Jr.

Nuciforo, Andrea F., Jr.

Creem, Cynthia Stone

Pacheco, Marc R.

Fargo, Susan C.

Panagiotakos, Steven C.

Glodis, Guy W.  
Havern, Robert A.  
Jacques, Cheryl A.  
Jajuga, James P.  
Joyce, Brian A.  
Lynch, Stephen F.  
Magnani, David P.

Rosenberg, Stanley C.  
Shannon, Charles E.  
Tolman, Steven A.  
Travaglini, Robert E.  
Tucker, Susan C.  
Walsh, Marian  
Wilkerson, Dianne — 30.

**ABSENT OR NOT VOTING.**

Norton, Thomas C. — 1.

The yeas and nays having been completed at twenty-six minutes before two o'clock P.M., the amendment was rejected. Messrs. Lees, Tisei, Knapik, Tarr, Rauschenbach and Hedlund and Mrs. Sprague further moved to amend the report (Senate, No. 1681) in Rule 59A by striking out the existing text in its entirety and inserting in place thereof the following:—

"Members of the Massachusetts State House Press Association and the State House Broadcasters Association shall be allowed to use radio, television and other electronic recording equipment during any session of the Senate, provided that such use does not disrupt the proceedings of the Senate."; and in Rule 59, in lines 4-6, and Rule 61, in the second paragraph, by striking out the following clause:—

"(provided that no radio, television or other electronic recording equipment shall be allowed in the Senate Chamber or Senate Reading Room under this rule)".

The amendment was rejected.

Messrs. Lees, Tisei, Knapik, Tarr, Rauschenbach and Hedlund and Mrs. Sprague further moved to amend the report (Senate, No. 1681) in Rule 27 by inserting at the end thereof the following paragraph:—

"When requested by any member, prior to the engrossment of any such bill involving a capital expenditure for new projects, or an appropriation for repairs, or any legislation, the cost of which, in the opinion of the committee, can be ascertained in a timely manner, and which exceeds the sum of one hundred thousand dollars, the chairman of the committee on Ways and Means, or a member of said committee, shall verbally disclose during session the amount of public money which will be required to be expended to carry out the provisions of the proposed legislation, together with an estimate of the cost of operation and maintenance for the first year if a new project is involved."

The amendment was adopted.

Messrs. Lees, Tisei, Knapik, Tarr, Rauschenbach and Hedlund and Mrs. Sprague further moved to amend the report (Senate, No. 1681) in Rule 13 by inserting at the end thereof the following paragraph:—

(d) "Notwithstanding the requirements of paragraphs (a) and (b) above, the President shall not appoint any Senate members to the Joint Standing Committee on Counties."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twelve minutes before two o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 7 — nays 30):

**YEAS.**

Hedlund, Robert L.  
Knapik, Michael R.  
Lees, Brian P.  
Rauschenbach, Henri S.

Sprague, Jo Ann  
Tarr, Bruce E.  
Tisei, Richard R. — 7.

**NAYS.**

Antonioni, Robert A.  
Bernstein, Robert A.  
Berry, Frederick E.  
Brewer, Stephen M.  
Clancy, Edward J., Jr.

Melconian, Linda J.  
Montigny, Mark C.  
Moore, Richard T.  
Morrissey, Michael W.  
Murray, Therese

Creedon, Robert S., Jr.  
Creem, Cynthia Stone  
Fargo, Susan C.  
Glodis, Guy W.  
Havern, Robert A.  
Jacques, Cheryl A.  
Jajuga, James P.  
Joyce, Brian A.  
Lynch, Stephen F.  
Magnani, David P.

Nuciforo, Andrea F., Jr.  
Pacheco, Marc R.  
Panagiotakos, Steven C.  
Rosenberg, Stanley C.  
Shannon, Charles E.  
Tolman, Steven A.  
Travaglini, Robert E.  
Tucker, Susan C.  
Walsh, Marian  
Wilkerson, Dianne — 30.

**ABSENT OR NOT VOTING.**

Norton, Thomas C. — 1.

The yeas and nays having been completed at eight minutes before two o'clock P.M., the amendment was rejected.

Messrs. Lees, Tisei, Knapik, Tarr, Rauschenbach and Hedlund and Mrs. Sprague further moved to amend the report (Senate, No. 1681) in the third paragraph of Rule 27 by striking out the words "together with an estimate of the cost of operation and maintenance for the first year if a new project is involved" and inserting in place thereof the following:—"together with an estimate of the cost of operation and maintenance for the first five years if a new project is involved or the four fiscal years following the ensuing fiscal year if the legislation involves a program that is at risk of extraordinary growth as determined by the committee."

Ms. Melconian in the Chair, after debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at four minutes past two o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 7 — nays 30):

**YEAS.**

Hedlund, Robert L.  
Knapik, Michael R.  
Lees, Brian P.  
Rauschenbach, Henri S.

Sprague, Jo Ann  
Tarr, Bruce E.  
Tisei, Richard R. — 7.

**NAYS.**

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.  
Jacques, Cheryl A.  
Jajuga, James P.

Melconian, Linda J.  
Montigny, Mark C.  
Moore, Richard T.  
Morrissey, Michael W.  
Murray, Therese  
Nuciforo, Andrea F., Jr.  
Pacheco, Marc R.  
Panagiotakos, Steven C.  
Rosenberg, Stanley C.  
Shannon, Charles E.  
Tolman, Steven A.  
Travaglini, Robert E.

Joyce, Brian A.  
Lynch, Stephen F.  
Magnani, David P.

Tucker, Susan C.  
Walsh, Marian  
Wilkerson, Dianne — 30.

**ABSENT OR NOT VOTING.**

Norton, Thomas C. — 1.

The yeas and nays having been completed at seven minutes past two o'clock P.M., the amendment was rejected.

The President in the Chair, Messrs. Lees, Tisei, Knapik, Tarr, Rauschenbach and Hedlund and Mrs. Sprague further moved to amend the report (Senate, No. 1681) in the first paragraph of Rule 59A by inserting the following new sentence:—"All formal sessions of the senate during which the commonwealth's fiscal year budget deliberations take place shall be broadcast live and uninterrupted on the present broadcast outlets throughout the state and such live television coverage shall preempt any other programming. The President is authorized to enter into a suitable contract with the current broadcaster in order to carry out the provisions of this rule."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-nine minutes past two o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 7 — nays 30):

**YEAS.**

Hedlund, Robert L.  
Knapik, Michael R.  
Lees, Brian P.  
Rauschenbach, Henri S.

Sprague, Jo Ann  
Tarr, Bruce E.  
Tisei, Richard R. — 7.

**NAYS.**

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.  
Jacques, Cheryl A.  
Jajuga, James P.  
Joyce, Brian A.  
Lynch, Stephen F.  
Magnani, David P.

Melconian, Linda J.  
Montigny, Mark C.  
Moore, Richard T.  
Morrissey, Michael W.  
Murray, Therese  
Nuciforo, Andrea F., Jr.  
Pacheco, Marc R.  
Panagiotakos, Steven C.  
Rosenberg, Stanley C.  
Shannon, Charles E.  
Tolman, Steven A.  
Travaglini, Robert E.  
Tucker, Susan C.  
Walsh, Marian  
Wilkerson, Dianne — 30.

**ABSENT OR NOT VOTING.**

Norton, Thomas C. — 1.

The yeas and nays having been completed at twenty-seven minutes before three o'clock P.M., the amendment was rejected.

Messrs. Lees, Tisei, Knapik, Tarr, Rauschenbach and Hedlund and Mrs. Sprague further moved to amend the report (Senate, No. 1681) in the second sentence of Rule 24 by striking out the words "(except during the last week of formal business under Joint Rule 12A)" and inserting in place thereof the following:— "(except during the last seven calendar days of formal business under Joint Rule 12A)"; and in the second sentence of Rule 53 by striking out the words "(except during the last week of the session)" and inserting in place thereof the following:— "(except during the last seven calendar days of formal business under Joint Rule 12A)".

The question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-six minutes before three o'clock P.M., on motion of Mr. Bernstein, as follows, to wit (yeas 37 — 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.

Montigny, Mark C.

Moore, Richard T.

Morrissey, Michael W.

Murray, Therese

Nuciforo, Andrea F., Jr.

Pacheco, Marc R.

Panagiotakos, Steven C.

Rauschenbach, Henri S.

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 — 37.

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

Norton, Thomas C. — 1.

The yeas and nays having been completed at twenty-two minutes before three o'clock P.M., the amendment was adopted.

Messrs. Lees, Tisei, Knapik, Tarr, Rauschenbach and Hedlund and Mrs. Sprague further moved to amend the report (Senate, No. 1681) in Rule 63 by striking out the text in its entirety and inserting in place thereof the following:—

"The committee on Rules may consider and suggest measures that shall, in its judgement, tend to facilitate the business of the Senate. Rules 24, 31, 33, 34 and 53 shall not be suspended if objection is made; and no other rule, including this rule, shall be altered, suspended or repealed, except by vote of two-thirds of the members present and voting thereon."

The amendment was rejected.

Messrs. Lees, Tisei, Knapik, Tarr, Rauschenbach and Hedlund and Mrs. Sprague further moved to amend the report (Senate, No. 1681) in Rule 56 by striking out the fifth sentence.

Ms. Melconian in the Chair, after debate, the amendment was rejected.

The President in the Chair, after remarks, the question on acceptance of the report was determined by a call of the yeas and nays, at four minutes before three o'clock P.M., on motion of Ms. Jacques, as follows, to wit (yeas 36 — nays 0):

**YEAS.**

Antonioni, Robert A.	Melconian, Linda J.
Bernstein, Robert A.	Montigny, Mark C.
Berry, Frederick E.	Morrissey, Michael W.
Clancy, Edward J., Jr.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Rauschenbach, Henri S.
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Sprague, Jo Ann
Jacques, Cheryl A.	Tarr, Bruce E.
Jajuga, James P.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Travaglini, Robert E.
Lees, Brian P.	Tucker, Susan C.
Lynch, Stephen F.	Walsh, Marian
Magnani, David P.	Wilkerson, Dianne — 36.

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

Norton, Thomas C.	Shannon, Charles E. — 2.
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**The yeas and nays having been completed at one minute before three o'clock P.M., the report (Senate, No. 1681, amended) was accepted. (for text of Senate Rules printed as amended, see Senate, No. 1722).**

**Resolutions.**

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—  
Resolutions (filed by Mr. Lees and Ms. Melconian) "congratulating the Springfield Cathedral High School Football Team on winning the Central-Western Massachusetts Division I Superbowl";  
Resolutions (filed by Mr. Magnani) "honoring Reverend Monsignor Francis V. Strahan"; and  
Resolutions (filed by Mr. Rosenberg) "congratulating Virginia C. Allis on the occasion of her retirement as Town Clerk from the Town of Whately".

**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.

**Distinguished Guest.**

The President introduced, seated in the gallery, Joel Breakstene, a senior at Watertown High School. He was the guest of Senator Tolman.

***Adjournment in Memory of Boston Firefighter Joseph R. Murphy.***

Mr. Hedlund moved that when the Senate adjourns today, it adjourn in memory of Boston Firefighter Joseph R. Murphy. Firefighter Murphy, a 34-year veteran of the Boston Fire Department, died in the line of duty on Friday, January 29, 1999. This motion prevailed.

Accordingly, as a mark of respect to the memory of Boston Firefighter Joseph R. Murphy, at two minutes past three o'clock P.M., on motion of Mr. Lees, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.