

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.



Tuesday, February 29, 2000.

Met at fourteen minutes past one o'clock P.M.

Distinguished Guests.

The President introduced, seated in the Gallery, Megan Menesale, Alex Rice-Swiss and Curtis Johnson, students from Newburyport High School. They were the guests of Senator Jajuga.

Communications.

The following communications were severally placed on file:

Communication from Denise A. Lucciola, director, Department of Industrial Accidents, submitting the department's annual report for fiscal year 1999 (received Wednesday, February 23, 2000); and
Communication from the Division of Community Sanitation submitting its plan of corrective action at Bridgewater State Hospital (received Thursday, February 24, 2000).

Report.

A report of the Department of Special Investigations (under the provisions of Section 15D(6) of Chapter 22 of the General Laws) submitting its report for the month of January, 2000 (received Monday, February 28, 2000),— **was read and sent to the House for its information.**

Reports of Committees.

By Mr. Pacheco, for the committee on Natural Resources and Agriculture, on petition (accompanied by bill, Senate, No. 989), a Bill relative to "the children's and families' protection act" (Senate, No. 2105);
Read and, under Senate Rule 27, referred to the committee on Ways and Means.

By Mr. Tolman, for the committee on Local Affairs, on petition, a Bill relative to the transfer of land in the town of Russell (Senate, No. 2078) [Local approval received]; and
By the same Senator, for the same committee, on petition, a Bill authorizing the town of Andover to enter into certain agreements and to convey and accept certain interests in real estate (Senate, No. 2097) [Local approval received];
Severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Mr. Brewer, for the committee on Steering and Policy, reported that the following matters be placed in the Orders of the Day for the next session:
The Senate bills

Designating Robert L. Pais as a permanently disabled police officer (Senate, No. 1241); and Relative to inspecting and securing unsafe or abandoned buildings (Senate, No. 2095); and The House Bill relative to gifts of personal property to municipalities (House, No. 824).

PAPERS FROM THE HOUSE.

A Bill relative to self-insured workers' compensation groups (House, No. 5010,— on Senate, No. 96 and House, No. 1511),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A Bill further regulating payroll deductions for periodic passes for public transportation (House, No. 1069,— on petition),— **was read and, under Senate Rule 26, referred to the committee on Steering and Policy.**

A report of the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the House Bill relative to the disposition of museum property (House, No. 4832), and recommending that the same be referred to the committee on the Judiciary,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence, inasmuch as relates to the reference to the joint committee.**

Notice was received from the House that the House had insisted on its amendments to the Senate Bill relative to mental health benefits (Senate, No. 2036), and had concurred in the appointment of a committee of conference on the disagreeing votes of the two branches; and that Representatives Flavin of Easthampton, Stanley of West Newbury and George of Yarmouth had been appointed as the committee on the part of the House.

Orders of the Day.

The Orders of the Day were considered, as follows:

The House Bill relative to certain industrial property in the city of Everett (House, No. 4930),— **was read a second time and ordered to a third reading.**

The House Bill relative to contracts between court reporters and any attorney, party or party having a financial interest in an action (House, No. 4807),— **was read a second time and ordered to a third reading.**

The Senate Bill relative to reproductive health care facilities (Senate, No. 148) (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 it to be engrossed.

Mr. Antonioni moved to amend the bill by substituting a new draft with the same title (Senate, No. 2114).

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at one minute before two o'clock P.M., on motion of Mr. Antonioni, as follows, to wit (yeas 12 — nays 27):

YEAS.

Antonioni, Robert A.

Clancy, Edward J., Jr.

Creedon, Robert S., Jr.

Glodis, Guy W.

Hedlund, Robert L.

Jajuga, James P.

Joyce, Brian A.

Knapik, Michael R.

Lynch, Stephen F.

Moore, Richard T.

Morrissey, Michael W.

Walsh, Marian — 12.

NAYS.

Bernstein, Robert A.

Berry, Frederick E.

Brewer, Stephen M.

Creem, Cynthia Stone

Fargo, Susan C.

Havern, Robert A.

Pacheco, Marc R.

Panagiotakos, Steven C.

Rauschenbach, Henri S.

Resor, Pamela

Rosenberg, Stanley C.

Shannon, Charles E.

Jacques, Cheryl A.
Lees, Brian P.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Murray, Therese
Nuciforo, Andrea F., Jr.

Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Wilkerson, Dianne — 27.

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

Mr. Lynch moved to amend the bill, in section 2, in line 11, by striking out the words "exit or driveway" and inserting in place thereof the following words:—"or exit"; in said section 2, in line 9, by inserting after the words "right-of-way" the following words:—"if the police commissioner or other head of a police or public safety department of the municipality wherein the reproductive health care facility is located determines that day that a danger to the public safety exists at such health care facility on such day."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at six minutes past three o'clock P.M., on motion of Mr. Lynch, as follows, to wit (yeas 13 — nays 26):

YEAS.

Antonioni, Robert A.
Clancy, Edward J., Jr.
Hedlund, Robert L.
Jajuga, James P.
Joyce, Brian A.
Knapik, Michael R.
Lynch, Stephen F.

Creedon, Robert S., Jr.
Glodis, Guy W.
Moore, Richard T.
Morrisey, Michael W.
Shannon, Charles E.
Walsh, Marian — 13.

NAYS.

Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Creem, Cynthia Stone
Fargo, Susan C.
Havern, Robert A.
Jacques, Cheryl A.
Lees, Brian P.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Murray, Therese

Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Wilkerson, Dianne — 26.

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

Mr. Lynch moved to amend the bill, in section 2, by adding the following subsection:—

“(f) Nothing in this section shall be construed to interfere with any rights provided under federal and state labor laws or other rights to engage in peaceful picketing, which does not obstruct entry or departure.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at nine minutes past four o'clock P.M., on motion of Mr. Lynch, as follows, to wit (yeas 12 — nays 26):

YEAS.

Antonioni, Robert A.

Clancy, Edward J., Jr.

Creedon, Robert S., Jr.

Glodis, Guy W.

Hedlund, Robert L.

Jajuga, James P.

Joyce, Brian A.

Knapik, Michael R.

Lynch, Stephen F.

Moore, Richard T.

Morrissey, Michael W.

Walsh, Marian — 12.

NAYS.

Bernstein, Robert A.

Berry, Frederick E.

Brewer, Stephen M.

Creem, Cynthia Stone

Fargo, Susan C.

Jacques, Cheryl A.

Lees, Brian P.

Magnani, David P.

Melconian, Linda J.

Menard, Joan M.

Montigny, Mark C.

Tolman, Steven A.

Travaglini, Robert E.

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.

Tucker, Susan C.

Wilkerson, Dianne — 26.

ABSENT OR NOT VOTING.

Havern, Robert A. — 1.

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

Ms. Walsh moved to amend the bill by substituting a new draft entitled, “An Act relative to interference with access to medical facilities” (Senate, No. 2115).

Pending the question on adoption of the amendment, Mr. Clancy moved to amend the proposed new draft (Senate, No. 2115), in section 1, by inserting after the definition of “coercion” the following definition:—

“ ‘House of religious worship’, houses of religious worship owned by, or held in trust for the use of, any religious organization receiving a property tax exemption under section 5 of chapter 59, including but not limited to churches, synagogues, temples or mosques.”; and in said section 1 by inserting after the words “medical facility”, in lines 15, 16, 18, 19 and 20, 21, 25 and 26, 27 and 37, each time they appear, the following words:— “or house of religious worship”.

Mr. Travaglini in the Chair, after debate, the question on adoption of the further amendment was determined by a call of the yeas and nays, at twenty-three minutes past four o'clock P.M., on motion of Mr. Clancy, as follows, to wit (yeas 29 — nays 9):

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Bernstein, Robert A.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Clancy, Edward J., Jr.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Glodis, Guy W.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Jajuga, James P.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lynch, Stephen F.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
Menard, Joan M.	Walsh, Marian — 29.
Montigny, Mark C.	

NAYS.

Creem, Cynthia Stone	Rauschenbach, Henri S.
Fargo, Susan C.	Resor, Pamela
Hedlund, Robert L.	Rosenberg, Stanley C.
Lees, Brian P.	Wilkerson, Dianne — 9.
Melconian, Linda J.	

ABSENT OR NOT VOTING.

Havern, Robert A. — 1.

The President in the Chair, the yeas and nays having been completed at twenty-eight minutes past four o'clock P.M., the further amendment was adopted.

The pending amendment (Walsh) substituting a new draft (Senate, No. 2115), as amended (Clancy), was then considered. After further debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at eleven minutes past five o'clock P.M., on motion of Ms. Walsh, as follows, to wit (yeas 12 — nays 27):

YEAS.

Antonioni, Robert A.	Joyce, Brian A.
Clancy, Edward J., Jr.	Knapik, Michael R.
Creedon, Robert S., Jr.	Lynch, Stephen F.
Glodis, Guy W.	Moore, Richard T.
Hedlund, Robert L.	Morrissey, Michael W.
Jajuga, James P.	Walsh, Marian — 12.

NAYS.

Bernstein, Robert A.	Pacheco, Marc R.
Berry, Frederick E.	Panagiotakos, Steven C.
Brewer, Stephen M.	Rauschenbach, Henri S.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Lees, Brian P.	Tarr, Bruce E.
Magnani, David P.	Tisei, Richard R.
Melconian, Linda J.	Tolman, Steven A.
Menard, Joan M.	Travaglini, Robert E.
Montigny, Mark C.	Tucker, Susan C.
Murray, Therese	Wilkerson, Dianne — 27.
Nuciforo, Andrea F., Jr.	

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

The main question on passing the bill to be engrossed was then determined by a call of the yeas and nays, at a quarter past five o'clock P.M., on motion of Ms. Jacques, as follows, to wit (yeas 27 — nays 12):

YEAS.

Bernstein, Robert A.	Havern, Robert A.
Berry, Frederick E.	Jacques, Cheryl A.
Brewer, Stephen M.	Lees, Brian P.
Creem, Cynthia Stone	Magnani, David P.
Fargo, Susan C.	Melconian, Linda J.
Menard, Joan M.	Shannon, Charles E.
Montigny, Mark C.	Sprague, Jo Ann
Murray, Therese	Tarr, Bruce E.
Nuciforo, Andrea F., Jr.	Tisei, Richard R.
Pacheco, Marc R.	Tolman, Steven A.
Panagiotakos, Steven C.	Travaglini, Robert E.
Rauschenbach, Henri S.	Tucker, Susan C.
Resor, Pamela	Wilkerson, Dianne — 27.
Rosenberg, Stanley C.	

NAYS.

Antonioni, Robert A.	Joyce, Brian A.
Clancy, Edward J., Jr.	Knapik, Michael R.

Creedon, Robert S., Jr.
Glodis, Guy W.
Hedlund, Robert L.
Jajuga, James P.

Lynch, Stephen F.
Moore, Richard T.
Morrissey, Michael W.
Walsh, Marian — 12.

The yeas and nays having been completed at eighteen minutes past five o'clock P.M., the bill (Senate, No. 148) was passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill relative to diabetes cost reduction (Senate, No. 2109) was read a third time. After remarks, the question on passing it to be engrossed was determined by a call of the yeas and nays, at twenty-five minutes past five o'clock P.M., on motion of Mr. Montigny, as follows, to wit (yeas 39 — nays 0):

YEAS.

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 twenty-eight minutes past five o'clock P.M., the bill was passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill improving access to rehabilitation counseling (Senate, No. 2110),— was read a third time. Mr. Clancy, for the committee on Bills in the Third Reading, reported, recommending that the bill be amended by substituting a new draft with the

same title (Senate, No. 2117).

This amendment was adopted.

After remarks, the bill (Senate, No. 2117) was then passed to be engrossed.

Sent to the House for concurrence.

The House Bill relative to local elections (House, No. 4551),— was read a second time.

After remarks, on motion of Mr. Lees, the further consideration thereof was postponed until the next session.

Communication.

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133

February 29, 2000.

Mr. Patrick Scanlan
Clerk of the Massachusetts Senate
State House, Room 335
Boston, Massachusetts 02133

Dear Mr. Clerk:

Because of a long-standing appointment, I was unable to vote on an amendment relative to labor unions and an amendment relative to houses of worship on the so-called "Buffer Zone Bill" (Senate, No. 148). Were I present, I would have voted against the amendments.

Sincerely,
ROBERT A. HAVERN,
State Senator.

On motion of Ms. Melconian, the above statement was ordered printed in the Journal of the Senate.

Papers from the House.

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

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Health Care be granted until Wednesday, March 1, 2000, the time within which to make its final report on current House documents numbered 4921 and 4923.

A petition (accompanied by resolve, House, No. 5036) of Peter J. Larkin and James P. Jajuga relative to reviving and continuing the special commission (including members of the General Court) established to make an investigation and study of the effectiveness of driver education programs,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Safety.**

Reports of a Committee.

By Mr. Montigny, for the committee on Ways and Means, that the Senate Bill relative to technical corrections to chapter 164 of the acts of 1997 restructuring the electric utility industry in the Commonwealth, regulating the provision of electricity and other services, and promoting enhanced consumer protections therein (Senate, No. 1743),— ought to pass, with an amendment, by substituting a new draft with the same title (Senate, No. 2116).

There being no objection, the rules were suspended, on motion of Mr. Montigny, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The bill (Senate, No. 2116) was then ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act further regulating the provision of electricity and other services".

Sent to the House for concurrence.

By Mr. Montigny, for the committee on Ways and Means, that the Senate Bill providing for the disposition of Commonwealth property in Chelsea (Senate, No. 1770),— ought to pass.

There being no objection, the rules were suspended, on motion of Mr. Travaglini, 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.

By Mr. Montigny, for the committee on Ways and Means, that the House Bill relative to the disposition of state real property in Upton (House, No. 1267),— ought to pass, with amendments:

In section 1, by striking out the seventh paragraph (as printed), and inserting in place thereof the following sentence:— “The exact boundaries of the parcel shall be established by the commissioner based on a final land survey to be completed before the conveyance of the parcel.”;

In section 2, by striking out, in line 6 (as printed), the words “department of environmental management” and inserting in place thereof the word “commonwealth”; and

In section 4, by striking out, in lines 1 and 2 (as printed), the words “department of environmental management” and inserting in place thereof the word “commonwealth”.

There being no objection, the rules were suspended, on motion of Mr. Moore, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The bill, as amended, was then ordered to a third reading, 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 Thursday 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 eighteen minutes before six o'clock P.M., the Senate adjourned to meet on the following Thursday at eleven o'clock A.M.
