

**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, March 14, 2000.

Met at twenty-four minutes past one o'clock P.M.

### *Distinguished Guests.*

There being no objection, during consideration of the Orders of the Day, the President introduced, seated in the rear of the Chamber, Bob Fantasia, the Executive Director, and Rosemary Littlefield, the Director of Special Education, from the Boston Higashi School in Randolph. They were the guests of Senator Joyce.

### *Petition.*

Mr. Travaglini presented a petition (subject to Joint Rule 12) of Robert E. Travaglini for legislation to require children under the age of 12 to wear safety helmets while skiing,— **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 petition (accompanied by bill, House, No. 5061) of Emile J. Goguen (with the approval of the mayor and city council) relative to authorizing the city of Fitchburg to acquire a certain parcel of land located in said city from County Land Trust, Inc., in exchange for a certain conservation restriction,— **was referred, in concurrence, to the committee on Local Affairs.**

### Bills

Relative to the national World War II memorial (House, No. 4511,— on House, No. 1091); and  
Relative to the compensation of the chairpersons of the legislative committee on Education, Arts and Humanities (House, No. 5003, amended,— on petition);  
**Were severally read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A Bill relative to dangerous buildings (House, No. 4967,— on petition),— **was read and, under Senate Rule 26, referred to the committee on Steering and Policy.**

Notice was received from the House that it had, on Wednesday, March 8, 2000, disapproved Reorganization Plan No. 1 of 2000 (submitted by the Governor under the provisions of Article LXXXVII of the Amendments to the Constitution) relative to the Department of Youth Services (see House, No. 5000). **The communication was placed on file.**

### *Orders of the Day.*

The Orders of the Day were considered, as follows:

## Bills

Relative to dog guides (House, No. 3973);  
Authorizing the town of Billerica to establish a certain fund (House, No. 4147);  
Establishing an Agricultural Preservation Trust Fund in the town of Dartmouth (House, No. 4696);  
Authorizing the town of Randolph to establish a department of veteran's and elderly affairs revolving fund (House, No. 4946, changed); and  
Designating a certain exit ramp in the city of New Bedford as the Alvin Glaser Memorial Exit (House, No. 4966);  
**Were severally read a second time and ordered to a third reading.**

## The Senate bills

Relative to public hospitals (Senate, No. 440);  
Proclaiming June as Portuguese-American month (Senate, No. 2073) (its title having been changed by the committee on Bills in the Third Reading);  
Authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the city of Waltham (Senate, No. 2132); and  
Relative to Disabled American Veterans' land in Barnstable (Senate, No. 2133);  
**Were severally read a third time and passed to be engrossed.**  
**Severally sent to the House for concurrence.**

## The House bills

Relative to renewal date of licenses issued by the Board of Registration of Hearing Instrument Specialists (House, No. 4155) (its title having been changed by the committee on Bills in the Third Reading); and  
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);  
**Were severally read a third time and passed to be engrossed, in concurrence.**

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The House Bill relative to the duties of escrow agents (House, No. 5002),— was read a second time and, after remarks, was amended, on motion of Mr. Morrissey, in section 1, by inserting after the word "individual", in lines 4, 6 and 9, each time it appears, the following words:— " , firm or corporation"; and in section 2, by striking out, in line 2, the word "commenced" and inserting in place thereof the following words:— "entered into or executed".  
**The bill, as amended, was then ordered to a third reading.**

The Senate Bill relative to the issuance of seasonal licenses for the sale of alcoholic beverages (Senate, No. 1811),— was read a third time.  
Pending the question on passing the bill to be engrossed, Mr. Rauschenbach moved that the bill be amended by substituting a new draft with the same title (Senate, No. 2128).  
**This amendment was adopted.**  
**The bill (Senate, No. 2128) was then passed to be engrossed.**

## Sent to the House for concurrence.

The Senate Bill simplifying the approval of certain subdivisions (Senate, No. 1842),— was read a third time.  
**After debate, Mr. Lees moved that the bill be laid on the table; and, in accordance with the provisions of Senate Rule 24, the consideration of the motion to lay on the table was postponed, without question, until the next session.**

The House Bill relative to the agency powers of banks to provide certain banking transactions and to share office locations (House, No. 14),— **was read a third time and, after debate, was passed to be engrossed, in concurrence.**

The House Bill relative to deceased depositors (House, No. 4586),— **was read a third time and passed to be engrossed, in concurrence.**

The House Bill relative to business loans (House, No. 2470),— **was read a third time and, after remarks, was passed to be engrossed, in concurrence.**

The Senate Bill protecting children and families from harmful pesticides (Senate, No. 2134),— was read a third time.  
After debate, the question on passing it to be engrossed was determined by a call of the yeas and nays, at five minutes past two o'clock P.M., on motion of Mr. Pacheco, as follows, to wit (yeas 38 — 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.  
Jajuga, James P.  
Joyce, Brian A.  
Knapik, Michael R.  
Lees, Brian P.  
Sprague, Jo Ann  
Tarr, Bruce E.  
Tisei, Richard R.  
Tolman, Steven A.

Lynch, Stephen F.  
Magnani, David P.  
Melconian, Linda J.  
Menard, Joan M.  
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.  
Travaglini, Robert E.  
Tucker, Susan C.  
Walsh, Marian  
Wilkerson, Dianne — 38.

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

Jacques, Cheryl A. — 1.

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

The report of the committee on State Administration, ought NOT to be approved, on the message from His Excellency the Governor submitting (under Article LXXXVII of the Amendments to the Constitution) Reorganization Plan No. 1 of 2000, relative to the Department of Youth Services (House, No. 5000),— was considered, the question being, shall this reorganization plan be approved?.

After remarks, the question on approving the reorganization plan was determined by a call of the yeas and nays, at a quarter past two o'clock P.M., on motion of Ms. Wilkerson, as follows, to wit (yeas 0 — nays 38):

**YEAS — 0.**

**NAYS.**

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

Lynch, Stephen F.  
Magnani, David P.  
Melconian, Linda J.  
Menard, Joan M.  
Montigny, Mark C.  
Moore, Richard T.

Creem, Cynthia Stone  
Fargo, Susan C.  
Glodis, Guy W.  
Havern, Robert A.  
Hedlund, Robert L.  
Jajuga, James P.  
Joyce, Brian A.  
Knapik, Michael R.  
Lees, Brian P.  
Sprague, Jo Ann  
Tarr, Bruce E.  
Tisei, Richard R.  
Tolman, Steven A.

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.  
Travaglini, Robert E.  
Tucker, Susan C.  
Walsh, Marian  
Wilkerson, Dianne — 38.

#### **ABSENT OR NOT VOTING.**

Jacques, Cheryl A. — 1.

The yeas and nays having been completed at eighteen minutes past two o'clock P.M., Reorganization Plan No. 1 was not approved.

The report of the committee on State Administration, ought NOT be approved, on the message from His Excellency the Governor submitting (under Article LXXXVII of the Amendments to the Constitution) Reorganization Plan No. 2 of 2000, relative to the department of children, families and learning (House, No. 5001),— was considered, the question being, shall this reorganization plan be approved?.

After remarks, Mr. Travaglini in the Chair, at twenty-five minutes past two o'clock P.M., at the request of the Minority Leader, the Chair declared a recess; and, at fourteen minutes past three o'clock P.M., the Senate reassembled, the President in the Chair. The question on approving the reorganization plan was determined by a call of the yeas and nays, at a quarter past three o'clock P.M., on motion of Ms. Wilkerson, as follows, to wit (yeas 2— nays 35):

#### **YEAS.**

Lees, Brian P.

Tisei, Richard R. — 2.

#### **NAYS.**

Antonioni, Robert A.  
Bernstein, Robert A.  
Berry, Frederick E.  
Brewer, Stephen M.  
Creedon, Robert S., Jr.  
Creem, Cynthia Stone  
Fargo, Susan C.  
Glodis, Guy W.  
Havern, Robert A.  
Hedlund, Robert L.

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.

Jajuga, James P.  
Joyce, Brian A.  
Knapik, Michael R.  
Lynch, Stephen F.  
Magnani, David P.  
Melconian, Linda J.  
Menard, Joan M.  
Montigny, Mark C.

Sprague, Jo Ann  
Tarr, Bruce E.  
Tolman, Steven A.  
Travaglini, Robert E.  
Tucker, Susan C.  
Walsh, Marian  
Wilkerson, Dianne — 35.

#### ABSENT OR NOT VOTING.

Clancy, Edward J., Jr.

Jacques, Cheryl A. — 2.

**The yeas and nays having been completed at twenty-one minutes past three o'clock P.M., Reorganization Plan No. 2 was not approved.**

The House Bill relative to the underground cable reimbursement schedule (House, No. 2692),— **was considered; and it was passed to be engrossed, in concurrence.**

The House Bill relative to local elections (House, No. 4551),— was considered. The question on ordering it to a third reading was determined by a call of the yeas and nays, at twenty-seven minutes before four o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 37 — nays 0):

#### YEAS.

Antonioni, Robert A.  
Bernstein, Robert A.  
Berry, Frederick E.  
Brewer, Stephen M.  
Creedon, Robert S., Jr.  
Creem, Cynthia Stone  
Fargo, Susan C.  
Glodis, Guy W.  
Havern, Robert A.  
Hedlund, Robert L.  
Jajuga, James P.  
Joyce, Brian A.  
Knapik, Michael R.  
Lees, Brian P.  
Lynch, Stephen F.  
Magnani, David P.  
Melconian, Linda J.  
Menard, Joan M.  
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 — 37.

NAYS — 0.

**ABSENT OR NOT VOTING.**

Clancy, Edward J., Jr.

Jacques, Cheryl A. — 2.

**The yeas and nays having been completed at twenty minutes before four o'clock P.M., the bill was ordered to a third reading.**

*Resolutions.*

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—  
Resolutions (filed by Mr. Tisei) “commending Matthew J. Delrossi on obtaining the rank of Eagle Scout”; and  
Resolutions (filed by Mr. Tisei) “commending Edward R. Luddy on obtaining the rank of Eagle Scout”.

***Matter Taken Out of the Notice Section of the Calendar.***

There being no objection, the following matter was taken out of the Notice section and considered, as follows:  
The Senate Bill relative to the transfer of land in the town of Russell (Senate, No. 2078),— **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.**

**PAPER FROM THE HOUSE.**

A Bill designating a certain bridge in the towns of Wareham and Bourne as the William Dalton memorial bridge (printed as Senate, No. 1693,— on petition),— was read.

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

*Report of Committees.*

By Ms. Melconian, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Brian A. Joyce and Martin J. Walsh for legislation relative to directing the State Board of Retirement to pay certain pension benefits to the surviving spouse of State Trooper Michael Brugman.

**Senate Rule 36 was suspended, on motion of Mr. Travaglini, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.**

**Sent to the House for concurrence.**

**PAPERS FROM THE HOUSE.**

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5063) of Antonio F. D. Cabral, other members of the General Court and another relative to the administration of the clean elections law, so-called;

**Under suspension of Joint Rule 12, to the committee on Election Laws.**

Petition (accompanied by bill, House, No. 5064) of Shirley Gomes and Henri S. Rauschenbach (by vote of the town) that the town of Provincetown be authorized to construct, operate and maintain sewer systems in said town;

**Under suspension of Joint Rule 12, to the committee on Natural Resources and Agriculture.**

Petition (accompanied by bill, House, No. 5062) of Patricia D. Jehlen and other members of the General Court that the Parole Board be directed to establish regional intensive parole sex offender programs throughout the Commonwealth,— came from the House with the endorsement that the House had insisted on its reference to the committee on the Judiciary.

**On motion of Ms. Melconian, the Senate receded from its reference to the committee on Criminal Justice and concurred in the reference to the committee on the Judiciary.**

*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.

***Adjournment in memory of  
Anne M. Schiavina.***

Mr. Lees requested that when the Senate adjourns today, it adjourn in memory of Patrolman Anne M. Schiavina of Springfield who passed away on March 12, 2000. Mrs. Schiavina was the mother of Springfield Police Officer Michael Schiavina who was killed in the line of duty on November 12, 1985. Since her son's death, Mrs. Schiavina was tireless on her support of the brave efforts of law enforcement throughout the Commonwealth. She became a powerful voice memorializing police officers killed in the line of duty.

Accordingly, as a mark of respect to the memory of Anne M. Schiavina, at fourteen minutes before four o'clock P.M., on motion of Mr. Lees, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.

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