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, April 27, 2000.

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

Distinguished Guest.

There being no objection, during consideration of the Orders of the Day, the President introduced Siobhan Tolman, daughter of Senator Steven Tolman. Siobhan is a 4th grade student at St. Columbkille's Grammar School in Brighton and was attending today's session as part of "Bring Your Daughter to Work Day".

Communication.

A communication from Robert A. Cerasoli, Inspector General, submitting a copy of a report relative to the benefit of orthopedic footwear (received Wednesday, April 26, 2000),— **was placed on file.**

Report.

A report of the Division of Employment and Training (under the provisions of Section 68 of Chapter 233 of the Acts of 1983) submitting the quarterly report on the condition of the Commonwealth's unemployment trust fund (received Monday, April 24, 2000),— **was placed on file.**

Petition.

Mr. Moore presented a petition (subject to Joint Rule 12) of Richard T. Moore and George N. Peterson, Jr., for legislation relative to designating the 181st Engineer Battalion building in the town of Northbridge as the Rosaire J. Rajotte National Guard Armory,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Committees Discharged.

Mr. Rosenberg, for the committee on Rules, to whom was referred the Senate order relative to authorizing the joint committee on the Judiciary to sit during the recess of the General Court for the purpose of making an investigation and study of a certain Senate document relative to lis pendens memoranda (Senate, No. 2021), reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 2016) of Robert S. Creedon, Jr., and David T. Donnelly for legislation to minimize the effect of irrelevant lis pendens memoranda,— and recommending that the same be recommitted to the committee on the Judiciary.
Under Senate Rule 36, the report was considered forthwith and accepted.

Mr. Moore, for the committee on Health Care, reported, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 2149) of Richard T. Moore, Stanley C. Rosenberg, Richard R. Tisei, John P. Fresolo and other members of the General Court for legislation relative to creating a managed care project for those seniors who are eligible for both Medicare and Medicaid benefits; and

Of the petition (accompanied by bill, Senate, No. 2161) of Therese Murray, Kathleen M. Teahan, Brian P. Lees, Henri S. Rauschenbach, other members of the General Court and Shannon P. O'Brien, Treasurer and Receiver General, for legislation relative to establishing the catastrophic illness in children relief fund;
And recommending that the same severally be referred to the Senate committee on Ways and Means.
Under Senate Rule 36, the reports were severally considered forthwith and accepted.
Severally sent to the House for concurrence in the discharge of the joint committee.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5131) of Shirley Gomes and Henri S. Rauschenbach (by vote of the town) relative to vouchered expenses and stipends for certain officials in the town of Provincetown; and

Petition (accompanied by bill, House, No. 5132) of Shirley Gomes and Henri S. Rauschenbach (by vote of the town) relative to filling vacancies on boards in the town of Provincetown;
Severally to the committee on Local Affairs.

A Bill authorizing the town of Kingston to grant an easement in certain parkland (House, No. 4140,— on petition) [Local approval received],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Relative to certain borrowing of the towns of Groveland and Merrimac (House, No. 3893);

Authorizing the cemetery commissioners of the town of Dedham to refund certain monies (House, No. 4626);

Authorizing the town of Dedham to reimburse certain sewer use fees (House, No. 4627);

Placing the members of the police force and fire department of the town of Hopedale under civil service law (House, No. 4933); and

Authorizing the Mendon-Upton Regional School District to grant a certain easement (House, No. 5060);
Were severally read a second time and ordered to a third reading.

The House Bill relative to countersignatures by resident agents on certain insurance policies (House, No. 4883) (its title having been changed by the committee on Bills in the Third Reading),— was read a third time.
Pending the question on passing the bill to be engrossed, Mr. Bernstein moved that the bill be amended by adding the following section:
"SECTION 5. Section 8 of chapter of the acts of 2000 is hereby amended by striking out the words 'Section 6' and inserting in place thereof the following words:— Sections 2 and 6.".
This amendment was adopted.
After remarks, the bill was then passed to be engrossed, in concurrence, with the amendment.
Sent to the House for concurrence in the amendment.

The House Bill relative to contracts between court reporters and an attorney, party or party having a financial interest in an action (House, No. 4807) (its title having been changed by the committee on Bills in the Third Reading) was read a third time, the question being on passing it to be engrossed, in concurrence.
Mr. Joyce 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 prohibiting certain claims against escrow agents (House, No. 5002) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and, after remarks, was passed to be engrossed, in concurrence, with the amendment previously adopted by the Senate.**
Sent to the House for concurrence in the amendment.

The Senate Bill making appropriations for the fiscal year 2000 to provide for supplementing certain existing appropriations and for certain other activities and projects (Senate, No. 2181),— 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 nineteen minutes before two o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A.	Havern, Robert A.
Bernstein, Robert A.	Hedlund, Robert L.
Berry, Frederick E.	Jacques, Cheryl A.
Brewer, Stephen M.	Jajuga, James P.
Clancy, Edward J., Jr.	Joyce, Brian A.
Creedon, Robert S., Jr.	Knapik, Michael R.
Creem, Cynthia Stone	Lees, Brian P.
Fargo, Susan C.	Lynch, Stephen F.
Glodis, Guy W.	Magnani, David P.
Menard, Joan M.	Rosenberg, Stanley C.
Montigny, Mark C.	Shannon, Charles E.
Moore, Richard T.	Sprague, Jo Ann
Morrissey, Michael W.	Tarr, Bruce E.
Murray, Therese	Tisei, Richard R.
Nuciforo, Andrea F., Jr.	Tolman, Steven A.
Pacheco, Marc R.	Travaglini, Robert E.
Panagiotakos, Steven C.	Tucker, Susan C.
Rauschenbach, Henri S.	Wilkerson, Dianne — 37.
Resor, Pamela	

NAYS — 0.

ABSENT OR NOT VOTING.

Melconian, Linda J.	Walsh, Marian — 2.

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

Sent to the House for concurrence.

The House Bill to improve teacher recruitment, retention and retirement (House, No. 5116) ,— was read a third time.
After remarks, the question on passing it to be engrossed, in concurrence, was determined by a call of the yeas and nays, at three minutes past two o'clock P.M., on motion of Mr. Joyce, as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A.	Havern, Robert A.
Bernstein, Robert A.	Hedlund, Robert L.
Berry, Frederick E.	Jacques, Cheryl A.

Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
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
Jajuga, James P.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Wilkerson, Dianne — 37.

NAYS — 0.

ABSENT OR NOT VOTING.

Melconian, Linda J.
Walsh, Marian — 2.

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

The House Bill relative to the parking of motorcycles (House, No. 2008),— **was read a third time and, after remarks, was passed to be engrossed, in concurrence.**

PAPERS FROM THE HOUSE.

Engrossed Bill — Land Taking for Conservation, Etc.

An engrossed Bill providing for the conveyance by the town of Rowley of certain conservation land (see Senate, No. 1718) (which originated in the Senate), 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 ten minutes past two o'clock P.M., 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.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Knapik, Michael R.

Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
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
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Wilkerson, Dianne — 37.

NAYS — 0.

ABSENT OR NOT VOTING.

Melconian, Linda J.
Walsh, Marian — 2.

The yeas and nays having been completed at thirteen 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 Bill.

An engrossed Bill relative to the foundation budget review commission and compensation of certain members of the legislative committee on Education, Arts and Humanities (see House, No. 5003) (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.
Under the provisions of Senate Rule 57A, the question on passing the bill to be enacted was determined by a call of the yeas and nays, at fourteen minutes past two o'clock P.M., as follows, to wit (yeas 36 — nays 1):

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.
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.

Jacques, Cheryl A.	Shannon, Charles E.
Jajuga, James P.	Sprague, Jo Ann
Joyce, Brian A.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A.
Lynch, Stephen F.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C. — 36.

NAY.

Wilkerson, Dianne — 1.

ABSENT OR NOT VOTING.

Melconian, Linda J.	Walsh, Marian — 2.

The yeas and nays having been completed at seventeen minutes past two o'clock P.M., the bill was passed to be enacted and it was signed by the President and laid before the Governor for his approbation.

The Senate Bill protecting children and families from harmful pesticides (Senate, No. 2134),— came from the House passed to be engrossed, in concurrence, *with amendments*:
In section 5, in line 6, by striking out the words "protozoa. Anti-microbial pesticide does not include any pesticide used in outdoor settings." and inserting in place thereof the following: "protozoa, and is intended to disinfect, sanitize, reduce or mitigate growth or development of microbiological organisms. Anti-microbial pesticide shall not include any fungicide or pesticide used on plants, turf or other vegetation or for ornamental uses.";
In section 11, in line 35, by inserting after the word "application." the following two sentences: "Larval mosquito control applications using pesticides classified as category four pesticides by the United States Environmental Protection Agency, as applied by mosquito control projects under chapter 252, are exempt from the notification requirements of this section. This section shall not apply to any use of an anti-microbial pesticide as defined in section 2." In line 46, by inserting after the word "programs." the following two sentences: "Larval mosquito control applications using pesticides classified as category four pesticides by the United States Environmental Protection Agency, as applied by mosquito control projects under chapter 252, are exempt from the notification requirements of this section. This section shall not apply to any use of an anti-microbial pesticide as defined in section 2." In line 112 , in line 113 and also in line 121 by inserting after the word "health" the words "or agent or director of public health".
By adding at the end thereof the following paragraph:
"Section 6K. The department shall conduct a review of anti-microbial pesticides, as defined in section 2, to determine whether and to what extent they should be subject to the provisions of this chapter."; and
In section 12, in line 47, by inserting after "2001." the following sentence: "As part of the analytical review required by this section, the department shall consider whether and to what extent use of anti-microbial pesticides, as defined in section 2, shall be part of the pesticide use reporting system."
The rules were suspended, on motion of Mr. Pacheco, and the House amendments were considered forthwith and adopted, in concurrence.

Report of Committees.

By Mr. Rosenberg, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Steven A. Tolman and Cynthia S. Creem for legislation relative to the disposition of certain surplus waterworks facilities of the Massachusetts Water Resources Authority and the Metropolitan District **Senate Rule 36 was suspended, on motion of Mr. Rosenberg, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Housing and Urban Development.**

Sent to the House for concurrence.

Petition.

On motion of Mr. Tarr, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Tarr (accompanied by bill) of Bruce E. Tarr and Anthony J. Verga (with the approval of the mayor and city council) for legislation relative to certain sewer betterments in the city of Gloucester [Local approval received],— **and the same was referred to the committee on Local Affairs.**

Sent to the House for concurrence.

Resolutions.

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

Resolutions (filed by Mr. Birmingham) "in recognition of Frederick F. Foresteire";
Resolutions (filed by Mr. Hedlund) "congratulating the Duxbury 'Dragons' hockey team upon winning the Division II State Championship";
Resolutions (filed by Mr. Hedlund) "honoring Marguerite C. Haider";
Resolutions (filed by Ms. Resor) "congratulating Doctor Isa Kaftal Zimmerman on the occasion of her retirement";
Resolutions (filed by Mr. Tisei) "congratulating Benjamin R. Craigie upon his elevation to the rank of Eagle Scout"; and
Resolutions (filed by Ms. Wilkerson) "honoring 'Coach' Willie Maye for his dedicated service to the community."

The following resolutions (having been filed with the Clerk) were considered forthwith, as follows:—
Resolutions (filed by Ms. Wilkerson, Messrs. Rosenberg and Morrissey, Ms. Creem, Mr. Tolman, Ms. Tucker, Messrs. Berry, Glodis, Travaglini and Havern, Ms. Melconian, Mr. Montigny, Ms. Resor and Mr. Panagiotakos) "opposing United States naval activities on the island of Vieques" (Senate, No. 2183).
After remarks on the question on adoption of the resolutions, Mr. Jajuga moved that the matter 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.

Order Adopted.

On motion of Mr. Travaglini,—
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 twenty-four minutes past two o'clock P.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.