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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



Thursday, June 24, 1999.

Met at five minutes past eleven o'clock A.M. (Ms. Melconian in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

Petitions.

Petitions were presented and referred, as follows:

By Mr. Brewer, a petition (subject to Joint Rule 12) of Stephen M. Brewer for legislation to extend certain authority of the district courts;

By Ms. Tucker, a petition (subject to Joint Rule 12) of Susan C. Tucker, James R. Miceli and David M. Nangle (by vote of the town) for legislation to authorize the Division of Capital Asset Management and Maintenance to convey a certain parcel of land located in the town of Tewksbury [Local approval received];

By Mr. Tarr, a petition (subject to Joint Rule 12) of Bruce E. Tarr and Anthony J. Verga for legislation relative to enhancing the competitiveness of commercial fishing; and

By the same Senator, a petition (subject to Joint Rule 12) of Bruce E. Tarr and Bradford Hill (by vote of the town) for legislation to authorize an exemption for certain lodging establishments in the town of Ipswich from the room occupancy tax [Local approval received];

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

On motion of Ms. Fargo, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Travaglini (accompanied by bill) of Robert E. Travaglini and Salvatore F. DiMasi for legislation to authorize the Division of Capital Asset Management and Maintenance to convey a certain parcel of land located in the city of Boston,— **and the same was referred to the committee on State Administration.**

the House for concurrence.

Reports of Committees.

By Mr. Nuciforo, for the committee on Banks and Banking, on House, Nos. 13, 21, 4149 and 4257, an Order relative to authorizing the joint committee on Banks and Banking to make an investigation and study of various House documents relative to chartering of banks and credit unions and related matters (Senate, No. 1869);

By Mr. Creedon, for the committee on the Judiciary, on Senate, Nos. 747, 748, 754, 758, 763, 791, 800, 803, 806, 811, 815, 824, 826, 827, 831, 832, 853, 859, 860, 861, 862, 878, 904, 908, 911, 919 and 920, an 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 certain Senate documents relative to judicial issues (Senate, No. 1861);

By the same Senator, for the same committee, on Senate, Nos. 746, 750, 752, 755, 757, 761, 766, 768, 770, 772, 792, 793, 794, 795, 814, 816, 817, 818, 819, 836, 838, 839, 848, 849, 852, 854, 855, 856, 858, 863, 864, 868, 896, 901, 902, 903, 907, 921, 927, 1136 and 1736, an Order relative to authorizing the joint committee on the Judiciary to make an investigation and study of various Senate documents pertaining to certain judicial matters (Senate, No. 1862);

By the same Senator, for the same committee, on Senate, Nos. 753, 762, 764, 765, 767, 769, 771, 773, 797, 798, 799, 801, 821, 835, 846, 879, 880, 881, 883, 887, 888, 889, 890, 891, 892, 893, 897, 909, 910 and 923, an 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 various Senate documents pertaining to judicial matters (Senate, No. 1863);

By the same Senator, for the same committee, on Senate, Nos. 741, 759, 774, 787, 807, 809, 810, 812, 822, 825, 829, 840, 841, 845, 869, 900, 912, 913, 914, 917, 922 and 925, an 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 various Senate documents pertaining to judicial issues (Senate, No. 1864); and

By the same Senator, for the same committee, on Senate, Nos. 740, 744, 756, 784, 788, 823, 830, 847, 867, 895, 899 and 926, an 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 various Senate documents pertaining to judicial matters (Senate, No. 1865);

By Mr. Jajuga, for the committee on Public Safety, on petition (accompanied by bill, House, No. 708), an Order relative to authorizing the joint committee on Public Safety to make an investigation and study of House document numbered 708, relative to the membership of the State Boxing Commission (Senate, No. 1858);

By the same Senator, for the same committee, on Senate, Nos. 1076 and 1091, an Order relative to authorizing the joint committee on Public Safety to make an investigation and study of Senate documents relative to armored car guards (Senate, No. 1859);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 378), an Order relative to authorizing the joint committee on Public Safety to sit during the recess of the General Court for the purpose of making an investigation and study of Senate document numbered 378, relative to the Board of Boiler Rules (Senate, No. 1866);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1178), an Order relative to authorizing the joint committee on Public Safety to sit during the recess of the General Court for the purpose of making an investigation and study of Senate document numbered 1178, relative to protective gear for renters of inline skates (Senate, No. 1867); and

By the same Senator, for the same committee, on Senate, Nos. 429 and 430, an Order relative to authorizing and directing the joint committee on Public Safety to make an investigation and study of Senate documents relative to steam boilers and low pressure boilers (Senate, No. 1868);

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

By Mr. Glodis, for the committee on Election Laws, on petition, a Bill correcting the definition of political party (Senate, No. 315);

By Mr. Jajuga, for the committee on Public Safety, on Senate, Nos. 1080, 1104 and 1176 and House, Nos. 486, 1050, 1788 and 3748, a Bill relative to the use of headlights (Senate, No. 1104); and

By the same Senator, for the same committee, on petition, a Bill relative to the postponement or waiver of a parole hearing (Senate, No. 1792);

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

By Mr. Nuciforo, for the committee on Banks and Banking, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 15) of Bruce E. Tarr, the Massachusetts Mortgage Association, by Stephen E. Sousa, president, and Brian A. Joyce for legislation to further regulate the licensing of certain entities as collection agencies; and

By Mr. Glodis, for the committee on Election Laws, ought NOT to pass:

On the petition (accompanied by bill, Senate, No. 314) of Merton B. Baker for legislation to allow nominations by fee and funding clean elections; and

On the petition (accompanied by bill, Senate, No. 320) of Robert L. Hedlund for legislation to prohibit campaign contributions to General Court candidates by legislative agents unless the agent lives in the candidate's district;

Severally referred, under Senate Rule 36, to the committee on Steering and Policy.

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

Further regulating the sale and advertising of certain produce and turkeys (Senate, No. 974);

Further regulating the sale of poultry and produce (Senate, No. 980); and

Designating a portion of the Blackstone River and Canal Heritage State Park as the Honorable William A. L. Bazeley Memorial Recreation Area (Senate, No. 1021).

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 Taxation to sit during the recess of the General Court for the purpose of making an investigation and study of certain current Senate documents, relative to corporate taxation (Senate, No. 1824);

Of the Senate Order relative to authorizing the joint committee on Public Safety to make an investigation and study of Senate document 1131, relative to protecting small businesses (Senate, No. 1826);

Of the Senate Order relative to authorizing the joint committee on Public Safety to make an investigation and study of Senate document 1128, relative to reducing government waste (Senate, No. 1827);

Of the Senate Order relative to authorizing the joint committee on Public Safety to make an investigation and study of Senate document 1120, relative to bulletproof vests (Senate, No. 1828);

Of the Senate Order relative to authorizing the joint committee on Public Safety to make an investigation and study of Senate documents relative to firearms (Senate, No. 1829);

Of the Senate Order relative to authorizing the joint committee on Public Safety to make an investigation and study of Senate document 1096, relative to aboveground tank abandonment (Senate, No. 1830);

Of the Senate Order relative to authorizing the joint committee on Public Safety to make an investigation and study of Senate document 1063, relative to state police operational control (Senate, No. 1831);

Of the Senate Order relative to authorizing the joint committee on Public Safety to make an investigation and study of Senate documents relative to prisoners (Senate, No. 1832);

Of the Senate Order relative to authorizing the joint committee on Public Safety to make an investigation and study of Senate documents relative to fire safety (Senate, No. 1833);

Of the Senate Order relative to authorizing the joint committee on Public Safety to sit during the recess of the General Court for the purpose of making an investigation and study of certain current Senate documents relative to distinctive license plates (Senate, No. 1834);

Of the Senate Order relative to authorizing the joint committee on Public Safety to sit during the recess of the General Court for the purpose of making an investigation and study of a certain current Senate document numbered 1094, relative to the sale of electric vehicles (Senate, No. 1835);

Of the Senate Order relative to authorizing the joint committee on Public Safety to sit during the recess of the General Court for the purpose of making an investigation and study of Senate document numbered 1121, relative to toll exemptions (Senate, No. 1836);

Of the Senate Order relative to authorizing the joint committee on Public Safety to sit during the recess of the General Court for the purpose of making an investigation and study of Senate document numbered 1177, relative to providing for voluntary identification cards for persons under the age of eighteen (Senate, No. 1837);

Of the Senate Order relative to authorizing the joint committee on Public Safety to sit during the recess of the General Court for the purpose of making an investigation and study of various Senate documents relative to highway and motor vehicle safety (Senate, No. 1838);

Of the Senate Order relative to authorizing the joint committee on Public Safety to sit during the recess of the General Court for the purpose of making an investigation and study of Senate document numbered 1141, relative to a preventing blindness in Massachusetts fund (Senate, No. 1839);

Of the Senate Order relative to authorizing the joint committee on Public Safety to sit during the recess of the General Court for the purpose of making an investigation and study of various Senate documents relative to corrections (Senate, No. 1840);

Of the Senate Order relative to authorizing the joint committee on Public Safety to sit during the recess of the General Court for the purpose of making an investigation and study of various Senate documents relative to motor vehicles (Senate, No. 1841);

Of the Senate Order relative to authorizing the joint committee on Public Safety to sit during the recess of the General Court for the purpose of making an investigation and study of various Senate documents relative to handicapped driving and parking (Senate, No. 1845);

Of the Senate Order relative to authorizing the joint committee on Public Safety to sit during the recess of the General Court for the purpose of making an investigation and study of various Senate documents relative to safety belts on school buses and transportation of children (Senate, No. 1846);

Of the Senate Order relative to authorizing the joint committee on Public Safety to sit during the recess of the General Court for the purpose of making an investigation and study of various Senate documents relative to the Massachusetts Prison Industries Enhancement Program (Senate, No. 1847);

Of the Senate Order relative to authorizing the joint committee on Public Safety to sit during the recess of the General Court for the purpose of making an investigation and study of a Senate document relative to former prisoners of war (Senate, No. 1848);

Of the Senate Order relative to authorizing the joint committee on Public Safety to sit during the recess of the General Court for the purpose of making an investigation and study of a Senate document relative to police jurisdiction (Senate, No. 1849);

Of the Senate Order relative to authorizing the joint committee on Public Safety to sit during the recess of the General Court for the purpose of making an investigation and study of a Senate document relative to revocation of driver's license (Senate, No. 1850);

Of the Senate Order relative to authorizing the joint committee on Public Safety to sit during the recess of the General Court for the purpose of making an investigation and study of a Senate document relative to leasing a motor vehicle (Senate, No. 1851);

Of the Senate Order relative to authorizing the joint committee on Public Safety to sit during the recess of the General Court for the purpose of making an investigation and study of a Senate document relative to motor vehicle traffic at Bridgewater State College (Senate, No. 1852);

Of the Senate Order relative to authorizing the joint committee on Public Safety to sit during the recess of the General Court for the purpose of making an investigation and study of a Senate document relative to distinctive license plates recognizing labor's contributions (Senate, No. 1853); and

Of the Senate Order relative to authorizing the joint committee on Public Safety to sit during the recess of the General Court for the purpose of making an investigation and study of a Senate document relative to traffic stops (Senate, No. 1854);
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.

PAPERS FROM THE HOUSE.

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the results of the annual town election held in the town of Hubbardston on May 4, 1999 (House, No. 4439),— **was referred, in concurrence, to the committee on Election Laws.**

Reports

Of the committee on Ways and Means (Joint), asking to be discharged from further consideration
Of the petition (accompanied by bill, House, No. 572) of Vincent A. Pedone and John P. Fresolo for legislation to authorize an appropriation of a certain sum of money for a program of analyses of narcotic drugs, synthetic substitutes, poisons, drugs, medicines or chemicals at the University of Massachusetts Medical Center;
Of the petition (accompanied by bill, House, No. 1877) of Brian S. Dempsey and another relative to the Commonwealth Stabilization Fund; and
Of the petition (accompanied by bill, House, No. 2450) of Mary Jeanette Murray and Robert L. Hedlund for legislation to authorize an appropriation of a certain sum of money for reimbursement to the town of Hingham for fire department response calls to Wompatuck State Park;
And recommending that the same severally be referred to the House committee on Ways and Means.
Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence, inasmuch as relates to the discharge of the joint committee.

A petition (accompanied by bill, House, No. 4440) of Marie J. Parente and Richard T. Moore (by vote of the town) relative to authorizing the town of Milford to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises in said town,— **was referred, in concurrence, to the committee on Government Regulations.**

Committee of Conference Report.

The committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendments of the House Bill making appropriations for the fiscal year 1999 to provide for supplementing certain existing appropriations and certain other activities and projects (House, No. 4261) (*amended by the Senate* by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 1784; and by inserting before the enacting clause an emergency preamble), reported, in part, a "Bill making an appropriation for the fiscal year 1999 to provide for supplementing a certain existing appropriation" (House, No. 4451).

The report was read and considered forthwith and accepted, in concurrence.

Matter Taken Out of the Orders of the Day.

There being no objection, the following matter was taken out of the Orders of the Day and considered, as follows:
The Senate Bill establishing a department of inspectional services in the city of Lynn (Senate, No. 1795),— **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.

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—
Resolutions (filed by Ms. Creem) "honoring former State Representative John Businger";
Resolutions (filed by Mr. Pacheco) "congratulating Jarrad Plante upon his elevation to the rank of Eagle Scout"; and
Resolutions (filed by Ms. Resor) "congratulating Glen Schrickler on being awarded the 1999 Golden Fife Award".

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:
Petition (accompanied by bill, House, No. 4459) of Mary Jane Simmons relative to periodic statements of child support payments received by the Division of Child Support Enforcement;
Under suspension of Joint Rule 12, to the committee on Human Services and Elderly Affairs.

Petition (accompanied by bill, House, No. 4460) of Nancy Flavin relative to requiring the exchange of certain information at the time of a motor vehicle accident and requiring reports by operators of injuries to passengers;

Under suspension of Joint Rule 12, to the committee on Public Safety.

Petition (accompanied by bill, House, No. 4461) of Bradley H. Jones, Jr., Paul C. Casey and Richard R. Tisei for legislation to authorize the Division of Capital Asset Management and Maintenance to release certain easements in the town of Reading;

Under suspension of Joint Rule 12, to the committee on State Administration.

Petition (accompanied by bill, House, No. 4462) of Robert J. Haas, Jr. (mayor), Kathi-Anne Reinstein, Robert A. DeLeo and Robert E. Travaglini (with the approval of the mayor and city council) for legislation to grant certain property tax credits in the city of Revere; and

Petition (accompanied by bill, House, No. 4463) of Brian S. Dempsey and James P. Jajuga for legislation to exempt internet sales from the sales tax;

Severally, under suspension of Joint Rule 12, to the committee on Taxation.

Reports 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 Robert E. Travaglini and Salvatore F. DiMasi for legislation to establish drug free zones around public libraries.

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

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 Cheryl A. Jacques, Scott P. Brown and Elizabeth A. Poirier for legislation relative to the transfer of land within the town of Plainville from the King Philip Regional School District to the town of Plainville.

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

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 Susan C. Tucker, James R. Miceli and David M. Nangle (by vote of the town) for legislation relative to certain town ways in the town of Tewksbury [Local approval received].

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

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 Susan C. Tucker, James R. Miceli and David M. Nangle (by vote of the town) for legislation relative to the pension benefits of James Jones, a former police officer in the town of Tewksbury [Local approval received].

Senate Rule 36 was suspended, on motion of Mr. Bernstein, 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.

Severally sent to the House for concurrence.

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill providing for the election of a town clerk in the town of Belchertown (see House, No. 4172, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the Acting President and laid before the Governor for his approbation.

Order Adopted.

On motion of Ms. Fargo,—

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.

Recess.

There being no objection, at ten minutes past eleven o'clock A.M., the Chair (Ms. Melconian) declared a recess subject to the call of the Chair; and, at sixteen minutes before twelve o'clock noon, the Senate reassembled, Ms. Melconian in the Chair.

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill making an appropriation for fiscal year 1999 to provide for supplementing a certain existing appropriation (see House, No. 4451) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the Acting President and laid before the Governor for his approbation.**

On motion of Mr. Knapik, at a quarter before twelve o'clock noon, the Senate adjourned to meet on the following Monday at eleven o'clock A.M.
