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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



Wednesday, June 28, 2000.

Met at two minutes before two o'clock P.M.

Petitions.

Petitions were presented and referred, as follows:

By Mr. Brewer, a petition (subject to Joint Rule 12) of Stephen M. Brewer and David H. Tuttle for legislation to authorize the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of New Braintree;

By Mr. Creedon, a petition (subject to Joint Rule 12) of Robert S. Creedon, Jr., Brian A. Joyce, Michael W. Morrissey, Cynthia S. Creem and other members of the General Court for legislation relative to creating salary scales for Trial Court chief court officers proportionate to those of chief probation officers; and

By Mr. Rauschenbach, a petition (subject to Joint Rule 12) of Henri S. Rauschenbach and Eric Turkington for legislation relative to designating the James Coffin memorial rotary in Nantucket;

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

Mr. Brewer presented a petition (accompanied by bill, Senate, No. 2232) of Stephen M. Brewer and David H. Tuttle (by vote of the town) for legislation relative to providing for the appointment of a town treasurer and tax collector in the town of Brookfield [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Local Affairs.**

Sent to the House for concurrence.

Reports of a Committee.

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 House bills

Relative to construction safety training (House, No. 3030);

Validating the action taken at the special town election held in the town of Acushnet (printed in House, No. 5207);

Designating a certain bridge in the town of Bourne as the Trooper James Mattaliano Memorial Bridge (House, No. 5223); and

Designating a certain bridge in the town of Bourne as the Trooper Mark Charbonnier Memorial Bridge (House, No. 5224).

PAPERS FROM THE HOUSE.

Messages were referred, in concurrence, as follows:

Message from His Excellency the Governor recommending legislation relative to creating a pilot expansion of the Economic Development Incentive Program to include affordable housing development projects (House, No. 5285); and

Message from His Excellency the Governor recommending legislation relative to facilitating the development of underutilized facilities and properties for housing in the Commonwealth (House, No. 5286);

Severally to the committee on Housing and Urban Development.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5291) of Guy W. Glodis and Paul K. Frost (by vote of the town) that the licensing authority of the town of Millbury be authorized to issue two additional licenses for the sale of all alcoholic beverages to be drunk on the premises;

To the committee on Government Regulations.

Petition (accompanied by bill, House, No. 5292) of Elizabeth Poirier and Cheryl A. Jacques (by vote of the town) that the park and recreation commission of the town of North Attleborough be authorized to use certain town forest land for recreational purposes; and

Petition (accompanied by bill, House, No. 5293) of Mary S. Rogeness and Brian P. Lees (by vote of the town) that the town of Longmeadow be authorized to charge a reduced fee for use of the recycling center by residents over sixty-five years of age;

Severally to the committee on Local Affairs.

Petition (accompanied by bill, House, No. 5294) of Thomas R. Hoover (city manager), Raymond V. Mariano (mayor), John J. Binienda and other members of the General Court (with the approval of the city council) relative to the retirement of Michael P. Coakley, a fire fighter of the city of Worcester; and

Petition (accompanied by bill, House, No. 5295) of Michael J. McGlynn (mayor) and Anthony P. Giglio (with the approval of the city council) relative to authorizing the retirement board of the city of Medford to change the retirement option of Alfred Miraglia;

Severally to the committee on Public Service.

Petition (accompanied by bill, House, No. 5296) of Thomas R. Hoover (city manager), Raymond V. Mariano (mayor) and John J. Binienda (with the approval of the city council) relative to street betterment assessments in the city of Worcester; and

Petition (accompanied by bill, House, No. 5297) of Bradley H. Jones, Jr., David M. Torrisi, Bruce E. Tarr and James P. Jajuga (by vote of the town) relative to tax deferred agreements between the board of assessors and property owners in the town of North Andover;

Severally to the committee on Taxation.

Order Adopted.

On motion of Mr. Rosenberg,—

Ordered, That when the Senate adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M., and that at such time as the Senate recesses tomorrow it reconvene to meet at two o'clock P.M.; and provided further that the Clerk be authorized to dispense with the printing of a calendar.

PAPER FROM THE HOUSE.

A Bill validating the action taken at the 2000 annual town election of the town of Tyngsborough (House, No. 5301,— being a message from His Excellency the Governor),— was read.

There being no objection, the rules were suspended, on motion of Mr. Panagiotakos, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act validating the actions taken at the 2000 annual town election of the town of Tyngsborough.”

Recess.

At two minutes past two o'clock P.M., the President declared a recess subject to the call of the Chair.

At two minutes past two o'clock P.M., members of the Senate proceeded to the Chamber of the House of Representatives, under the escort of the Sergeant-at-Arms, for the purpose of considering certain proposals for Amendments to the Constitution which have been called up for consideration by the Senate and House of Representatives.

***Joint Session of the Two Houses to Consider
Specific Legislative Amendments to the Constitution.***

At ten minutes past two o'clock P.M., the two Houses met in

JOINT SESSION

and were called to order by the Honorable Thomas F. Birmingham, President of the Senate.

Distinguished Guests.

The Speaker in the Chair, there being no objection, Ms. Emily Felix, the founder of the Kingston Kids Care Club and recipient of the Prudential Insurance Spirit of Community Award for the Year 2000 was introduced. Ms. Felix was accompanied by her parents, Linda and William Felix, and they were the guests of Senator Murray and Representative O'Brien of Kingston.

The President in the Chair, the Proposal for a Legislative Amendment to the Constitution relative to the effective date of state Legislative and Executive Councillor redistricting (see Senate, No. 3 of 2000) (which had been agreed to in joint session of the preceding General Court) [see Senate, No. 331 of 1997],— was read.

The proposal, as agreed to in joint session of the preceding General Court, was as follows:

Proposal for a Legislative Amendment to the Constitution relative to the effective date of state Legislative and Executive Councillor redistricting.

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly agreed to in this joint session of the General Court and approved by the people at the state election next following]:

ARTICLE OF AMENDMENT.

SECTION 1. Section 1 of Article CI of the Articles of Amendment to the Constitution is hereby amended by striking out the first paragraph, as appearing in section 1 of CXVII of said Articles of Amendment, and inserting in place thereof the following paragraph:—

The federal census shall be the basis for determining the representative districts for the ten year period beginning with the first Wednesday in the third January following the taking of said census.

SECTION 2. Section 2 of said Article CI is hereby amended by striking out the first sentence, as appearing in section 2 of said Article CXVII, and inserting in place thereof the following sentence:— Said federal census shall likewise be the basis for determining the senatorial districts and also the councillor districts for the ten year period beginning with the first Wednesday in the third January following the taking of said census.

After remarks, the question on again agreeing to the amendment was taken by a call of the yeas and nays, as required by Article XLVIII of the Amendments to the Constitution, at a quarter past two o'clock P.M., as follows, to wit (yeas 188 — nays 0):

Yeas (188).

Senators.

Bernstein, Robert A.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.

Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., 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.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.

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.
Wilkerson, Dianne — 35.

Representatives.

Angelo, Steven
Atkins, Cory
Atsalis, Demetrius J.
Balser, Ruth B.
Barrios, Jarrett T.
Binienda, John J.
Bosley, Daniel E.
Broadhurst, Arthur J.
Brown, Scott P.
Bunker, David C., Jr.
Cabral, Antonio F. D.
Caffyn, Nancy J.
Cahill, Michael P.
Canavan, Christine E.
Candaras, Gale D.
Caron, Paul E.
Carron, Mark J.
Casey, Paul C.
Chandler, Harriette L.
Chesky, Evelyn G.
Ciampa, Vincent P.
Cleven, Carol C.

Gomes, Shirley
Greene, William G., Jr.
Hahn, Cele
Haley, Paul R.
Hall, Geoffrey D.
Hargraves, Robert S.
Harkins, Lida E.
Hart, John A., Jr.
Hill, Bradford
Hillman, Reed V.
Hodgkins, Christopher J.
Honan, Kevin G.
Hyland, Barbara C.
Hynes, Frank M.
Jehlen, Patricia J.
Jones, Bradley H., Jr.
Kafka, Louis L.
Kaprielian, Rachel
Kaufman, Jay R.
Keenan, Daniel F.
Kelly, Shaun P.
Keough, Jack

Correia, Robert
Creedon, Geraldine
Cresta, Brian M.
DeFilippi, Walter A.
DeLeo, Robert A.
deMacedo, Viriato Manuel
Demakis, Paul C.
Dempsey, Brian S.
DiMasi, Salvatore F.
Donnelly, David T.
Donovan, Carol A.
Fagan, James H.
Fallon, Christopher G.
Fennell, Robert F.
Festa, Michael E.
Finegold, Barry R.
Finnegan, Kevin L.
Finneran, Thomas M.
Fitzgerald, Kevin W.
Flavin, Nancy
Flynn, David L.
Fox, Gloria L.
Fresolo, John P.
Frost, Paul K.
Galvin, William C.
Gardner, Barbara
Garry, Colleen M.
Gauch, Ronald W.
George, Thomas N.
Giglio, Anthony P.
Goguen, Emile J.
Golden, Brian Paul
Golden, Thomas A., Jr.
Peterson, George N., Jr.
Petrolati, Thomas M.
Petrucelli, Anthony
Poirier, Elizabeth
Pope, Susan W.

Khan, Kay
Knuuttila, Brian
Koczera, Robert M.
Koutoujian, Peter J.
Kujawski, Paul
Kulik, Stephen
Larkin, Peter J.
LeDuc, Stephen P.
Lepper, John A.
Lewis, Maryanne
Linsky, David Paul
Locke, John A.
Malia, Elizabeth A.
Mariano, Ronald
Marini, Francis L.
Marzilli, J. James, Jr.
McGee, Thomas M.
McManus, William J., II
Merrigan, John F.
Miceli, James R.
Murphy, Kevin J.
Murray, Mary Jeanette
Nagle, William P., Jr.
Nangle, David M.
Naughton, Harold P., Jr.
Nyman, Robert J.
O'Brien, Thomas J.
O'Flaherty, Eugene L.
Owens-Hicks, Shirley
Parente, Marie J.
Paulsen, Anne M.
Pedone, Vincent A.
Petersen, Douglas W.
St. Fleur, Marie P.
Story, Ellen
Straus, William M.
Sullivan, David B.
Sullivan, Joseph C.

Provost, Ruth W.
Quinn, John F.
Reinstein, Kathi-Anne
Rivera, Cheryl A.
Rodrigues, Michael J.
Rogeness, Mary S.
Rogers, George
Rogers, John H.
Ruane, J. Michael
Rushing, Byron
Scaccia, Angelo M.
Simmons, Mary Jane
Slattery, John P.
Speliotis, Theodore C.
Stanley, Harriett L.
Stasik, John H.
Stefanini, John A.

Swan, Benjamin
Sydney, Ronny M.
Teahan, Kathleen M.
Timilty, Walter F.
Tobin, A. Stephen
Toomey, Timothy J., Jr.
Torrisi, David M.
Travis, Philip
Turkington, Eric
Tuttle, David H.
Vallee, James E.
Verga, Anthony J.
Wagner, Joseph F.
Walrath, Patricia A.
Walsh, Martin J.
Wolf, Alice K. — 153.

Nays — 0.

Absent or Not Voting (9).

Senators.

Antonioni, Robert A.
Berry, Frederick E.

Knapik, Michael R.
Walsh, Marian — 4.

Representatives.

Ayers, Bruce J.
Connelly, Edward G.
Kennedy, Thomas P.

Murphy, Charles A.
Santiago, Jose L. — 5.

The yeas and nays having been completed at twenty-five minutes past two o'clock P.M., the amendment was "again agreed to in joint session by a majority of all the members elected".

The vote on the agreement to the amendment was certified by the Clerk of the joint session to the Secretary of the Commonwealth, in accordance with the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution.

The Proposal for a Legislative Amendment to the Constitution relative to the right to vote for incarcerated persons (see House, No. 5148 of 2000) (which has been agreed to in joint session of the preceding General Court) [see House, No. 1105, amended of 1997],— was read.

The proposal, as agreed to in joint session of the preceding General Court, was as follows:

Proposal for a Legislative Amendment to the Constitution relative to the right to vote for incarcerated persons.

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly agreed to in this joint session of the General Court and approved by the people at the state election next following]:

ARTICLE OF AMENDMENT.

Article III of the amendments to the Constitution, as amended, is hereby further amended by inserting after the word “upwards” the following words:— , excepting persons who are incarcerated in a correctional facility due to a felony conviction, and”.

After debate, the question on again agreeing to the amendment was taken by a call of the yeas and nays, as required by Article XLVIII of the Amendments to the Constitution, at five minutes before three o’clock P.M., as follows, to wit (yeas 144 — nays 45):

Yeas (144).

Senators.

Bernstein, Robert A.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Lees, Brian P.
Lynch, Stephen F.
Melconian, Linda J.

Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Tucker, Susan C. — 24.

Representatives.

Angelo, Steven
Atsalis, Demetrius J.
Binienda, John J.
Broadhurst, Arthur J.
Brown, Scott P.
Bunker, David C., Jr.
Caffyn, Nancy J.
Cahill, Michael P.
Canavan, Christine E.
Caron, Paul E.
Carron, Mark J.
Casey, Paul C.
Chandler, Harriette L.

DeFilippi, Walter A.
DeLeo, Robert A.
deMacedo, Viriato Manuel
Demakis, Paul C.
Dempsey, Brian S.
DiMasi, Salvatore F.
Donnelly, David T.
Donovan, Carol A.
Fallon, Christopher G.
Fennell, Robert F.
Finegold, Barry R.
Finnegan, Kevin L.
Finneran, Thomas M.

Chesky, Evelyn G.
Ciampa, Vincent P.
Cleven, Carol C.
Correia, Robert
Creedon, Geraldine
Cresta, Brian M.
Garry, Colleen M.
Gauch, Ronald W.
George, Thomas N.
Giglio, Anthony P.
Goguen, Emile J.
Golden, Brian Paul
Golden, Thomas A., Jr.
Gomes, Shirley
Greene, William G., Jr.
Hahn, Cele
Haley, Paul R.
Hall, Geoffrey D.
Hargraves, Robert S.
Harkins, Lida E.
Hart, John A., Jr.
Hill, Bradford
Hillman, Reed V.
Honan, Kevin G.
Hyland, Barbara C.
Hynes, Frank M.
Jones, Bradley H., Jr.
Kafka, Louis L.
Kaprielian, Rachel
Keenan, Daniel F.
Kelly, Shaun P.
Keough, Jack
Knuuttila, Brian
Koczera, Robert M.
Koutoujian, Peter J.
Kujawski, Paul
Kulik, Stephen
LeDuc, Stephen P.

Flavin, Nancy
Flynn, David L.
Fresolo, John P.
Frost, Paul K.
Galvin, William C.
Gardner, Barbara
Nangle, David M.
Naughton, Harold P., Jr.
Nyman, Robert J.
O'Brien, Thomas J.
Parente, Marie J.
Pedone, Vincent A.
Petersen, Douglas W.
Peterson, George N., Jr.
Petrolati, Thomas M.
Petrucelli, Anthony
Poirier, Elizabeth
Pope, Susan W.
Provost, Ruth W.
Quinn, John F.
Reinstein, Kathi-Anne
Rivera, Cheryl A.
Rodrigues, Michael J.
Rogeness, Mary S.
Rogers, George
Rogers, John H.
Ruane, J. Michael
Scaccia, Angelo M.
Simmons, Mary Jane
Slattery, John P.
Speliotis, Theodore C.
Stanley, Harriett L.
Stefanini, John A.
Straus, William M.
Sullivan, David B.
Sullivan, Joseph C.
Timilty, Walter F.
Tobin, A. Stephen

Lepper, John A.
Mariano, Ronald
Marini, Francis L.
McGee, Thomas M.
Merrigan, John F.
Miceli, James R.
Murphy, Kevin J.
Murray, Mary Jeanette
Nagle, William P., Jr.

Toomey, Timothy J., Jr.
Torrisi, David M.
Travis, Philip
Turkington, Eric
Tuttle, David H.
Vallee, James E.
Verga, Anthony J.
Wagner, Joseph F.
Walrath, Patricia A.— 120.

Nays — (45).

Senators.

Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Magnani, David P.
Menard, Joan M.
Nuciforo, Andrea F., Jr.

Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Travaglini, Robert E.
Wilkerson, Dianne — 11.

Representatives.

Atkins, Cory
Balser, Ruth B.
Barrios, Jarrett T.
Fagan, James H.
Festa, Michael E.
Fitzgerald, Kevin W.
Fox, Gloria L.
Hodgkins, Christopher J.
Jehlen, Patricia D.
Kaufman Jay R.
Khan, Kay
Larkin, Peter J.
Lewis, Maryanne
Linsky, David Paul
Locke, John A.
Malia, Elizabeth A.
Marzilli, J. James, Jr.

Bosley, Daniel E.
Cabral, Antonio F. D.
Candaras, Gale D.
McManus, William J., II
O'Flaherty, Eugene L.
Owens-Hicks, Shirley
Paulsen, Anne M.
Rushing, Byron
Santiago, Jose L.
Stasik, John H.
St. Fleur, Marie
Story, Ellen
Swan, Benjamin
Sydney, Ronny M.
Teahan, Kathleen M.
Walsh, Martin J.
Wolf, Alice K. — 34.

Senators.

Antonioni, Robert A.
Berry, Frederick E.

Knapik, Michael R.
Walsh, Marian

Representatives.

Ayers, Bruce J.
Connolly, Edward G.

Kennedy, Thomas P.
Murphy, Charles A. — 4.

The yeas and nays having been completed at six minutes past three o'clock P.M., the amendment was "again agreed to in joint session by a majority of all the members elected".

The vote on the agreement to the amendment was certified by the Clerk of the joint session to the Secretary of the Commonwealth, in accordance with the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution.

At seven minutes past three o'clock P.M., on motion of Ms. Melconian, without taking further action on the matters duly and constitutionally assigned for consideration, the joint session recessed until two o'clock P.M. on Wednesday, July 26, and the Senate returned to its Chamber, under the escort of the Sergeant-at-Arms.

At eight minutes past three o'clock P.M., the Senate reassembled, the President in the Chair.

Resolutions.

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

Resolutions filed by Mrs. Sprague) "congratulating Adam Czachorowski of Walpole upon his elevation to the rank of Eagle Scout"; and

Resolutions (filed by Mrs. Sprague) "congratulating Norman and Dorothy Pidgeon on the occasion of their fiftieth wedding anniversary."

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5306) of Francis L. Marini, Ronald W. Gauch, Bradley H. Jones, Jr., Bruce E. Tarr, George N. Peterson, Jr., and Anthony J. Verga relative to gambling aboard ships;

Under suspension of Joint Rule 12, to the committee on Government Regulations.

Petition (accompanied by bill, House, No. 5307) of Arthur J. Broadhurst and James P. Jajuga for legislation to require district attorneys and local police departments to notify schools of felonies by students;

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

Engrossed Bills.

The following engrossed bills (the first two of which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the President and laid before the Governor for his approbation, to wit:

Further regulating the provision of electricity and other services (see Senate, No. 2116, amended);

Relative to the game of Beano (see Senate, No. 2156);

Relative to dog guides (see House, No. 3973);

Relative to contracts between court reporters and an attorney, party or party having a financial interest in an action (see House, No. 4807); and

Validating the proceedings of the annual town election in the town of Sherborn (see House, No. 5159).

Orders Adopted.

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

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Election Laws be granted until Friday, June 30, 2000, the time within which to make its final report on current Senate document numbered 2064 and House document numbered 5063.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Public Service be granted until Monday, July 31, 2000, the time within which to make its final report on current Senate document numbered 2199 and on current House documents numbered 4934, 5161, 5162 and 5205.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Public Service be granted until Friday, June 30, 2000, within which to make its final report on current House document numbered 4960.

Matters Taken Out of the Orders of the Day.

There being no objection, the following matters were taken out of the Orders of the Day and considered, as follows:

The Senate Bill designating the 181st Engineer Battalion building in the town of Northbridge as the Rosaire J. Rajotte National Guard Armory (Senate, No. 2201),— **was read a second time, 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 designating the 181st Engineering Battalion Building in the town of Northbridge as the Rosaire J. Rajotte National Guard Armory.”**

Sent to the House for concurrence.

The House Bill establishing a land bank fund in the town of Mendon (House, No. 5125),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

On motion of Mr. Lees, at thirteen minutes past three o'clock P.M., the Senate adjourned to meet again tomorrow at eleven o'clock A.M.
