

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, July 18, 2000.

Met at three minutes before four o'clock P.M.

Distinguished Guests.

The President introduced several cadets from the tall ship Gloria of Columbia. They were the guests of Senator Morrissey.

Report.

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to the inspection of Lancaster M.C.I. (received Monday, July 10, 2000),— **was read and sent to the House for its information.**

Reports of Committees.

By Ms. Walsh, for the committee on Taxation, on Senate, Nos. 1562, 1593, 1641, 1649 and 2230, an 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 taxation matters (Senate, No. 2245);

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

By Ms. Walsh, for the committee on Taxation, on petition (accompanied by bill, Senate, No. 1598), a Bill relative to updating the state's tax code (Senate, No. 2244);

Read and, under Senate Rule 27, referred to the committee on Ways and Means.

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 Bill relative to designating the Peter G. Piro bridge (Senate, No. 2093); and

The House bills

Prohibiting the use of mobile telephones while operating a school bus (House, No. 4810);

Authorizing nonprofit hospital service corporations and nonprofit medical service corporations to make contracts of reinsurance (House, No. 5144, amended); and

Protecting beneficiaries of structured settlements (House, No. 5348).

PAPERS FROM THE HOUSE.

A communication from the Commissioner of Insurance (under Paragraph (2) of Clause F of Section 117C of Chapter 175 of the General Laws) relative to a summary of insurance claims experience and loss ratio data on credit life insurance and credit accident and health insurance (having been sent by the House to the Senate for its information),— **was returned to the House to be placed on file.**

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 authorizing the town of Tewksbury to convey certain conservation land (House, No. 5356),— **was referred, in concurrence, to the committee on Local Affairs.**

Bills

Relative to the disposition of certain properties of the Boston State Hospital (House, No. 5203, amended,— on House, No. 4995, in part);

Relative to the Commission on Judicial Conduct (House, No. 5265,— on House, No. 3311); and

Relative to abandoned property (House, No. 5365,— on House, Nos. 1579, 2939 and 3517);

Were severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

Bills

Establishing the position of deputy chief of police in the city known as the town of Franklin (House, No. 5012,— on petition) [Local approval received]; and

Regulating eligibility for the office of selectman in the town of Mendon (House, No. 5204,— on petition) [Local approval received];

Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

A petition (accompanied by bill, House, No. 5366) of Shirley Gomes and Henri S. Rauschenbach (by vote of the town) for legislation to make certain changes in the charter of the town of Eastham,— **was referred, in concurrence, to the committee on Local Affairs.**

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment to the House Bill making appropriations for the fiscal year 2001 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 5101, printed as amended) (*amended by the Senate* by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2210), reported, in part, a new draft, with the same title (House, No. 5300),— came from the House, and was read.

Mr. Montigny moved that the rules be suspended so that the matter may be considered forthwith. The question on suspension of the rules was determined by a call of the yeas and nays, at ten minutes past four o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 32 — nays 7):

YEAS.

Antonioni, Robert A. Menard, Joan M.
Bernstein, Robert A. Montigny, Mark C.
Berry, Frederick E. Moore, Richard T.
Brewer, Stephen M. Morrissey, Michael W.
Clancy, Edward J., Jr. Murray, Therese
Creedon, Robert S., Jr. Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone Pacheco, Marc R.
Fargo, Susan C. Panagiotakos, Steven C.
Glodis, Guy W. Resor, Pamela
Havern, Robert A. Rosenberg, Stanley C.
Jacques, Cheryl A. Shannon, Charles E.
Jajuga, James P. Tolman, Steven A.
Joyce, Brian A. Travaglini, Robert E.
Lynch, Stephen F. Tucker, Susan C.
Magnani, David P. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne — 32.

NAYS.

Hedlund, Robert L. Sprague, Jo Ann
Knapik, Michael R. Tarr, Bruce E.
Lees, Brian P. Tisei, Richard R. — 7.
Rauschenbach, Henri S.

The yeas and nays having been completed at sixteen minutes past four o'clock P.M., the rules were suspended and the report was considered forthwith.

After debate, the question on accepting the report, in concurrence, was determined by a call of the yeas and nays, at twenty minutes past six o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 32 — nays 6):

YEAS.

Antonioni, Robert A. Menard, Joan M.
Bernstein, Robert A. Montigny, Mark C.
Berry, Frederick E. Moore, Richard T.
Brewer, Stephen M. Murray, Therese
Clancy, Edward J., Jr. Nuciforo, Andrea F., Jr.

Creedon, Robert S., Jr. Pacheco, Marc R.
Fargo, Susan C. Panagiotakos, Steven C.
Glodis, Guy W. Rauschenbach, Henri S.
Havern, Robert A. Resor, Pamela
Hedlund, Robert L. Rosenberg, Stanley C.
Jacques, Cheryl A. Shannon, Charles E.
Jajuga, James P. Sprague, Jo Ann
Joyce, Brian A. Travaglini, Robert E.
Lynch, Stephen F. Tucker, Susan C.
Magnani, David P. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne — 32.

NAYS.

Knapik, Michael R. Tarr, Bruce E.
Lees, Brian P. Tisei, Richard R.
Morrisey, Michael W. Tolman, Steven A. — 6.

ANSWERED “PRESENT”.

Creem, Cynthia Stone — 1.

The yeas and nays having been completed at twenty-four minutes past six o'clock P.M., the report was accepted, in concurrence.

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Designating the recreation center at the Taunton State Hospital as the Richard “Ricky” Silvia recreation center (Senate, No. 2229);

Relative to increasing reinsurance capacity in the Commonwealth (House, No. 994, amended);

Relative to the review of certain condominium financial reports (House, No. 1954);

Establishing the Assabet public safety district (House, No. 2747, changed);

Further defining privileged and confidential communications with a psychologist (House, No. 4363);

Relative to the civil service status of certain employees of the town of West Springfield (House, No. 4589, changed);

Further establishing the rights of innkeepers (House, No. 4890);

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);
Were severally read a second time and ordered to a third reading.

The House bills

Authorizing the city known as the town of Methuen to grant certain easements (House, No. 4212); and

Authorizing the town of Wayland to grant real estate tax rebates to certain property owners (House, No. 5199);

Were severally read a second time and ordered to a third reading.

Subsequently, the bills were severally read a third time and passed to be engrossed, in concurrence.

The Senate Bill prohibiting certain liability waivers as against public policy (Senate, No. 837),— **was considered; and it was passed to be engrossed.**

Sent to the House for concurrence.

The House Bill relative to construction safety training (House, No. 3030),— **was read a second time and ordered to a third reading.**

The House Bill relative to the possession, transport, use or placement of a hoax device (House, No. 3423),— **was read a second time; and, after remarks, was ordered to a third reading.**

Order Adopted.

Ms. Walsh presented the following order, to wit:—

Ordered, That the joint committee on Taxation be granted until Monday, July 31, 2000, the time within which to make its final report on Senate document numbered 2234, relative to an increase in the exemption for residential real property in the city of Somerville.

The order was considered forthwith; and, there being no objection, it was adopted.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Engrossed Bills.

The following engrossed bills (all of which originated in the House), 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:

Relative to cluster developments (see House, No. 4435);

Relative to salaries paid by a domestic insurance company (see House, No. 4906);

Relative to benefits for Worcester County court officers (see House, No. 4936);

Authorizing the Mendon-Upton Regional School District to grant a certain easement (see House, No. 5060); and

Relative to the management of savings banks and tax escrow requirements of certain mortgages (see House, No. 5189).

Engrossed Bill — Land Taking for Conservation, Etc.

An engrossed Bill relative to a certain conservation restriction in the town of Wayland (see House, No. 5198) (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; 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 twenty-four minutes before seven o'clock P.M., as follows, to wit (yeas 39 — nays 0):

YEAS.

Antonioni, Robert A. Berry, Frederick E.

Bernstein, Robert A. Brewer, Stephen M.

Clancy, Edward J., Jr. Morrissey, Michael W.

Creedon, Robert S., Jr. Murray, Therese

Creem, Cynthia Stone Nuciforo, Andrea F., Jr.

Fargo, Susan C. Pacheco, Marc R.

Glodis, Guy W. Panagiotakos, Steven C.

Havern, Robert A. Rauschenbach, Henri S.

Hedlund, Robert L. Resor, Pamela

Jacques, Cheryl A. Rosenberg, Stanley C.

Jajuga, James P. Shannon, Charles E.

Joyce, Brian A. Sprague, Jo Ann

Knapik, Michael R. Tarr, Bruce E.

Lees, Brian P. Tisei, Richard R.

Lynch, Stephen F. Tolman, Steven A.

Magnani, David P. Travaglini, Robert E.

Melconian, Linda J. Tucker, Susan C.

Menard, Joan M. Walsh, Marian

Montigny, Mark C. Wilkerson, Dianne — 39.

Moore, Richard T.

NAYS — 0.

The yeas and nays having been completed at twenty-one minutes before seven 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.

Recess.

There being no objection, at nineteen minutes before seven o'clock P.M., the President declared a recess subject to the call of the Chair; and, at twenty-seven minutes before eight o'clock P.M., the Senate reassembled, the President in the Chair.

PAPERS FROM THE HOUSE. Emergency Preamble Adopted.

An engrossed Bill making appropriations for the fiscal year two thousand and one for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 5300), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 5 to 1.**
The bill was signed by the President and sent to the House for enactment.

Committee of Conference Report.

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment to the House Bill making appropriations for the fiscal year 2001 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 5101, printed as amended) (*amended by the Senate* by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2210) reported, in part, a bill entitled "An Act authorizing certain capital repairs and renovations", (House, No. 5368).

The rules were suspended, on motion of Mr. Moore, and the report was considered forthwith and accepted, in concurrence.

Suspension of Senate Rule 38A.

Mrs. Sprague moved that Senate Rule 38A be suspended to allow the Senate to continue in session beyond the hour of eight o'clock P.M.; and, after remarks, the question on suspension of the rules was determined by a call of yeas and nays, at thirteen minutes past seven o'clock P.M., as follows, to wit (yeas 33 — nays 6):

YEAS.

Antonioni, Robert A. Montigny, Mark C.

Bernstein, Robert A. Moore, Richard T.

Berry, Frederick E. Morrissey, Michael W.

Brewer, Stephen M. Murray, Therese

Clancy, Edward J., Jr. Nuciforo, Andrea F., Jr.

Creedon, Robert S., Jr. Pacheco, Marc R.

Creem, Cynthia Stone Panagiotakos, Steven C.

Fargo, Susan C. Resor, Pamela

Glodis, Guy W. Rosenberg, Stanley C.

Havern, Robert A. Shannon, Charles E.
Jacques, Cheryl A. Sprague, Jo Ann
Jajuga, James P. Tolman, Steven A.
Joyce, Brian A. Travaglini, Robert E.
Lynch, Stephen F. Tucker, Susan C.
Magnani, David P. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne — 33.
Menard, Joan M.

NAYS.

Hedlund, Robert L. Rauschenbach, Henri S.
Knapik, Michael R. Tarr, Bruce E.
Lees, Brian P. Tisei, Richard R. — 6.

The yeas and nays having been completed at eight minutes before eight o'clock P.M., the rules were suspended.

**PAPERS FROM THE HOUSE.
Emergency Preamble Adopted.**

An engrossed Bill authorizing certain capital repairs and renovations (see House, No. 5368), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 25 to 0. The bill was signed by the President and sent to the House for enactment.**

Engrossed Bill.

An engrossed Bill making appropriations for the fiscal year two thousand and one for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 5300) (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.

After debate, the question on passing the bill to be enacted was determined by a call of the yeas and nays, at a quarter past eight o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 33 — nays 5):

YEAS.

Antonioni, Robert A. Montigny, Mark C.
Bernstein, Robert A. Moore, Richard T.
Brewer, Stephen M. Morrissey, Michael W.

Clancy, Edward J., Jr. Murray, Therese
Creedon, Robert S., Jr. Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone Pacheco, Marc R.
Fargo, Susan C. Panagiotakos, Steven C.
Glodis, Guy W. Rauschenbach, Henri S.
Havern, Robert A. Resor, Pamela
Hedlund, Robert L. Rosenberg, Stanley C.
Jacques, Cheryl A. Shannon, Charles E.
Jajuga, James P. Sprague, Jo Ann
Joyce, Brian A. Travaglini, Robert E.
Lynch, Stephen F. Tucker, Susan C.
Magnani, David P. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne — 33.
Menard, Joan M.

NAYS.

Knapik, Michael R. Tisei, Richard R.
Lees, Brian P. Tolman, Steven A. — 5.
Tarr, Bruce E.

ANSWERED “PRESENT”.

Berry, Frederick E. — 1.

The yeas and nays having been completed at nineteen minutes past eight 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.

Engrossed Bill — State Loan.

An engrossed Bill authorizing certain capital repairs and renovations (see House, No. 5368) (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; and, this being a bill providing for the borrowing of money, in accordance with the provisions of Section 3 of Article LXII of the Amendments to the Constitution, after remarks, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-nine minutes before nine o'clock P.M., as follows, to wit (yeas 39 — nays 0):

YEAS.

Antonioni, Robert A. Montigny, Mark C.
Bernstein, Robert A. Moore, Richard T.
Berry, Frederick E. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Clancy, Edward J., Jr. Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Fargo, Susan C. Rauschenbach, Henri S.
Glodis, Guy W. Resor, Pamela
Havern, Robert A. Rosenberg, Stanley C.
Hedlund, Robert L. 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.
Lees, Brian P. Travaglini, Robert E.
Lynch, Stephen F. Tucker, Susan C.
Magnani, David P. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne — 39.
Menard, Joan M.

NAYS — 0.

The yeas and nays having been completed at twenty-six minutes before nine 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.

Order Adopted.

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 Human Services and Elderly Affairs be granted until Monday, July 31, 2000 to make its final report on current House document numbered 5091, relative to veterans issues.

Order Adopted.

On motion of Ms. Melconian,—

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow 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 before nine o'clock P.M., the Senate adjourned to meet again tomorrow at eleven o'clock A.M.
