

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.



Monday, July 24, 2000.

Met at three 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).

Communication.

A communication from the Wonderland Greyhound Park, Inc. (under the provisions of Section 2 of Chapter 128C of the General Laws) submitting copies of supplemental contracts entered into by said corporation (received Friday, July 21, 2000),— **was placed on file.**

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 Senate bills

Designating a certain portion of the new Massachusetts Turnpike interchange in the city of Worcester as Veterans of the Battle of the Bulge, Central Massachusetts Chapter Highway (Senate, No. 1666); and

To minimize the effect of irrelevant lis pendens memoranda (Senate, No. 2243); and

The House Bill relative to the illegal sale of alcohol from a dwelling (House, No. 428, amended).

PAPERS FROM THE HOUSE.

Messages were referred, in concurrence, as follows:

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 actions taken at certain town meetings and the 2000 annual town election held in the town of Oak Bluffs (House, No. 5376); and

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 town election held in the town of Sunderland (House, No. 5377);

Severally to the committee on Election Laws.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5380) of Edward G. Connolly (with the approval of the mayor and city council) that the city of Everett be authorized to use a certain parcel of park land for school purposes; and

Petition (accompanied by bill, House, No. 5381) of Barbara Gardner and David P. Magnani (by vote of the town) that the town of Holliston be authorized to receive and administer property and funds held in trust for the perpetual care of certain lots in the Central Burying Ground;

Severally to the committee on Local Affairs.

A Bill relative to the sounding of certain warning devices in the town of Newbury (House, No. 5363, amended),— on House, No. 5135) [Local approval received on House, No. 5135],— **was read and, under Senate Rule 26, referred to the committee on Steering and Policy.**

A Bill directing the retirement board of the city of Worcester to retire Michael P. Coakley, a firefighter of the city of Worcester (House, No. 5294,— on petition) [Local approval received],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

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 Public Service be granted until Friday, September 1, 2000, the time within which to make its final report on current House documents numbered 5075 and 5326.

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 Acting President and laid before the Governor for his approbation, to wit:

Relative to the leasing of certain property by the towns of Groveland, Merrimac and West Newbury (see House, No. 3112);

Relative to the election of the school committee of the city of Lawrence (see House, No. 4590); and

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

Communications.

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS MASSACHUSETTS SENATE STATE HOUSE, BOSTON 02133-1053

July 21, 2000.

Mr. Patrick Scanlan
Senate Clerk
State House — Room 335

Boston, Massachusetts 02133

Dear Mr. Clerk:

I was unable to attend the Senate's Formal Session on July 20, 2000 as I had pressing personal matters out of state. Had I been present to vote on H. 4212, H. 5127, the concurrence of the House amendment pertaining to H. 130, the acceptance of the conference committee report pertaining to H. 4866 and the enactment of a supplemental budget H. 5139, I would have voted in the affirmative.

Please print these remarks in the next printed Senate Journal. Thank you in advance for your consideration.

Sincerely,
STEVEN A. TOLMAN,

*State Senator,
Middlesex/Suffolk District.*

On motion of Ms. Wilkerson, the above statement was ordered printed in the Journal of the Senate.

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

July 20, 2000.

Honorable Patrick Scanlan
Clerk of the Senate
Room 335
State House
Boston, Massachusetts 02133

Dear Mr. Clerk:

Due to a scheduling conflict, I was forced to miss one of the roll call votes that took place during today's Senate Session.

Had I been present, I would have voted in the affirmative on the question of enacting Senate Bill 2218, An Act Making Appropriations for the Fiscal Year 2000 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects.

I would respectfully request that a copy of this letter be printed in the Senate Journal as part of the official record for July 20. Thank you in advance for your cooperation in this matter.

Sincerely,
CHARLES E. SHANNON,
State Senator.

On motion of Mr. Moore, the above statement was ordered printed in the Journal of the Senate.

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 recreation center at the Taunton State Hospital as the Richard "Ricky" Silvia recreation center (Senate, No. 2229),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The House Bill relative to the charter of the town of Becket (House, No. 5026),— **was read a third time and passed to be engrossed, in concurrence.**

The House Bill regulating eligibility for the office of selectman in the town of Mendon (House, No. 5204),— **was read a second time and ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

PAPERS FROM THE HOUSE.

A Bill authorizing the town of Concord to convey a certain parcel of land located in the town of Acton (House, No. 1988, amended,— on petition) [Local approval received],— was read.

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

A Bill authorizing the conservation commission of the town of Andover to grant an easement (House, No. 4924,— on petition) [Local approval received],— was read.

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

A Bill authorizing the city of Easthampton to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 5244,— on petition) [Local approval received],— was read.

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

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 House bills

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

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

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

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5383) of Mary Jeanette Murray and another relative to the division of interest in common areas and facilities of condominiums;

Under suspension of Joint Rule 12, to the committee on Housing and Urban Development.

Petition (accompanied by bill, House, No. 5384) of Mary Jeanette Murray and Robert L. Hedlund (by vote of the town) that the town of Cohasset be authorized to acquire land, easements or other interests for the protection of the water supply of said town;

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

Petition (accompanied by bill, House, No. 5385) of Evelyn G. Chesky and Scott P. Brown for legislation to authorize hunting on Sundays;

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

Petition (accompanied by bill, House, No. 5386) of Mary Jeanette Murray that the Registrar of Motor Vehicles be directed to issue distinctive license plates to surviving spouses of veterans who died while on active duty;

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

Petition (accompanied by bill, House, No. 5387) of Shirley Gomes and other members of the General Court relative to the tax on certain motor vehicle sales;

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

The engrossed Bill relative to the estate of homestead (Senate, No. 782),— came from the House with the endorsement that the House had concurred in the Senate amendment adding at the end thereof the following two sections:

“SECTION 2. Section 1A of said chapter 188, as so appearing, is hereby amended by striking out, in lines 4 and 5, and in line 29, the words ‘two hundred thousand dollars’ and inserting in place thereof, in each instance, the following figures:— \$300,000.

SECTION 3. This act shall apply to declarations of homestead recorded under the provisions of section 1 or 1A of chapter 188 of the General Laws before, on or after the effective date of this act.” *with a further amendment*, striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. section 1 of chapter 188 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in lines 1 and 2, the words ‘one hundred thousand dollars’ and inserting in place thereof the following figure:— \$300,000.

SECTION 2. Section 1A of said chapter 188, as so appearing, is hereby amended by striking out, in lines 4 and 5, and in line 29, the words ‘two hundred thousand dollars’ and inserting in place thereof, in each instance, the following figure:— \$300,000.

SECTION 3. This act shall apply to declarations of homestead recorded or filed for registration pursuant to section 1 or 1A of chapter 188 of the General Laws before, on, or after the effective date of this act, but the increase in the amount of homestead protection for declarations recorded or filed for registration before the effective date of this act shall not have priority over, and shall be subordinate to, any lien, right or interest recorded or filed for registration before the effective date of this act.”

The rules were suspended, on motion of Mr. Brewer, and the further House amendment was considered forthwith and adopted, in concurrence.

Petition.

On motion of Ms. Wilkerson, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Tarr, (accompanied by bill) of Bruce E. Tarr, Bradford Hill, Robert A. Bernstein, Wilfiam J. McManus II, and Harold P. Naughton,

Jr., for legislation relative to the valuation of certain state and county land in Ipswich and West Boylston,— **and the same was referred to the committee on Taxation.**

Sent to the House for concurrence.

Reports of a Committee.

By Mr. Montigny, for the committee on Ways and Means, that the House Bill relative to certain environmental boating regulations and penalties (House, No. 2177),— ought to pass.

There being no objection, the rules were suspended, on motion of Mr. Moore, and the bill was read a second time and ordered to a third reading.

By Mr. Montigny, for the committee on Ways and Means, that the House Bill further regulating the rates of pilotage for the port of Boston (House, No. 2570),— ought to pass, with an amendment in section 3, by striking out the words “June first, two thousand” and inserting in place thereof the words:— “January 1, 2001”.

There being no objection, the rules were suspended, on motion of Ms. Wilkerson, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The bill, as amended, was then ordered to a third reading.

By Mr. Montigny, for the committee on Ways and Means, that the House Bill relative to the national World War II memorial (House, No. 4511),— ought to pass.

There being no objection, the rules were suspended, on motion of Mr. Brewer, and the bill was read a second time and ordered to a third reading.

By Mr. Montigny, for the committee on Ways and Means, that the House Bill establishing the Upper Cape regional water supply cooperative (House, No. 4596, amended),— ought to pass.

There being no objection, the rules were suspended, on motion of Mr. Moore, and the bill was read a second time and ordered to a third reading.

By Mr. Montigny, for the committee on Ways and Means, that the House Bill relative to the establishment of a child fatality review team (House, No. 4847),— ought to pass, with amendments:

In section 1, as printed, by inserting, in line 24, after the word “occurred” the following words:— “appointed by the chief of police of said municipality”; by inserting, in line 25, after the word “officer” the following words:— “to be appointed by the colonel of the department of state police”; by inserting, in line 52, after the word “services” the following words:— “or his designee”; by inserting, in line 58, after the word “association” the following words:— “to be selected by said association”; by inserting, in line 70, after the word “neglect” the following words:— “to be selected by said chapter”; by inserting, in line 71, after the word “association” the following words:— “to be selected by said association”; and by inserting, in line 73, after the word “court” the following words:— “or her designee”; and by adding at the end thereof the following section:

“SECTION 5. Section 51F of chapter 119 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after the first paragraph the following paragraph:—

Nothing in this section shall prevent the department from keeping information on unsubstantiated reports to assist in future risk and safety assessments of children and families.”.

There being no objection, the rules were suspended, on motion of Mr. Moore, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The bill, as amended, was then ordered to a third reading.

By Mr. Montigny, for the committee on Ways and Means, that the House Bill authorizing the conveyance to the town of Billerica of a certain parcel of land in said town to be used for construction of a water treatment plant (House, No. 4990),— ought to pass.

There being no objection, the rules were suspended, on motion of Mr. Brewer, and the bill was read a second time and ordered to a third reading.

By Mr. Montigny, for the committee on Ways and Means, that the House Bill authorizing the Division of Capital Asset Management and Maintenance to lease certain land in the town of Lancaster (House, No. 4991, changed),— ought to pass.

There being no objection, the rules were suspended, on motion of Mr. Moore, and the bill was read a second time and ordered to a third reading.

By Mr. Montigny, for the committee on Ways and Means, that the Senate Bill regulating continuing education for plumbers and gas inspectors (Senate, No. 386),— ought to pass.

There being no objection, the rules were suspended, on motion of Ms. Wilkerson, and the bill was read a second time and ordered to a third reading.

By Mr. Montigny, for the committee on Ways and Means, that the Senate Bill authorizing the Division of Capital Planning and operations to convey a certain parcel of land in the town of Danvers (Senate, No. 1403),— ought to pass, with an amendment,

substituting a new draft entitled “An Act authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Danvers” (Senate, No. 2251).

There being no objection, the rules were suspended, on motion of Mr. Brewer, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2251) was then ordered to a third reading.

By Mr. Montigny, for the committee on Ways and Means, that the Senate Bill relative to the transfer of a certain parcel of land by the Hampshire County Housing Authority (Senate, No. 1788),— ought to pass, with an amendment, substituting a new draft with the same title (Senate, No. 2252).

There being no objection, the rules were suspended, on motion of Mr. Brewer, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2252) was then ordered to a third reading.

By Mr. Montigny, for the committee on Ways and Means, that the Senate Bill establishing old-growth forest reserves (Senate, No. 2007),— ought to pass, with an amendment, substituting a new draft entitled “An Act authorizing the establishment of old growth forest reserves” (Senate, No. 2253).

There being no objection, the rules were suspended, on motion of Mr. Moore, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2253) was then ordered to a third reading.

By Mr. Montigny, for the committee on Ways and Means, that the Senate Bill to promote the long term viability of affordable housing opportunities to persons of low and moderate income through the reinvention of the Julian D. Steele public housing development (Senate, No. 2211),— ought to pass.

There being no objection, the rules were suspended, on motion of Ms. Wilkerson, and the bill was read a second time and ordered to a third reading.

By Mr. Montigny, for the committee on Ways and Means, that the Senate Bill providing for the disposition of certain surplus waterworks facilities of the Massachusetts Water Resources Authority and the Metropolitan District Commission located in the city of Boston (Senate, No. 2219),— ought to pass.

There being no objection, the rules were suspended, on motion of Ms. Wilkerson, and the bill was read a second time and ordered to a third reading.

By Mr. Montigny, for the committee on Ways and Means, that the Senate Bill to support a birth defects monitoring program (Senate, No. 466),— ought to pass.

There being no objection, the rules were suspended, on motion of Mr. Moore, and the bill was read a second time and ordered to a third reading.

By Mr. Montigny, for the committee on Ways and Means, that the Senate Bill providing access to health insurance contracts (Senate, No. 2188),— ought to pass, with an amendment, substituting a new draft entitled “An Act relative to the health care delivery system in the city of Springfield” (Senate, No. 2254).

There being no objection, the rules were suspended, on motion of Ms. Wilkerson, and the bill was read a second time.

Pending the amendment, previously recommended by the committee on Ways and Means, Ms. Melconian moved that the pending new draft be further amended by inserting before the enacting clause the following emergency preamble:

“*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to forthwith report on the health care delivery system in the city of Springfield, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.”

The further amendment was adopted.

The pending Ways and Means amendment, as amended, was then considered; and it was adopted.

The bill (Senate, No. 2254, printed as amended) was then ordered to a third reading.

Order Adopted.

On motion of Mr. Clancy,—

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at one o'clock P.M.

On motion of Mr. Tarr, at twenty-eight minutes past eleven o'clock A.M., the Senate adjourned to meet tomorrow at one o'clock P.M.
