

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.



Friday, November 5, 1999.

Met at four minutes past eleven o'clock A.M. (Mr. Tolman in the Chair).

Communication.

A communication was received from the House that the Speaker had announced that Representative DeFilippi of West Springfield had been relieved of duty (at his own request) from 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 2000 (House, No. 4401); and that Representative Hargraves of Groton had been appointed to fill the vacancy.

Reports.

A report of the Administrative Office of the Trial Court of the Commonwealth (under the provisions of Section 15 of Chapter 358 of the Acts of 1996) submitting a report on the implementation of the one-trial project in Middlesex and Norfolk Counties (received Wednesday, November 3, 1999),— **was placed on file.**

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) submitting its report of the inspection of the Souza-Baranowski Correctional Center (received Wednesday, November 3, 1999),— **was read and sent to the House for its information.**

Petition.

Mr. Lynch presented a petition (subject to Joint Rule 12) of Stephen F. Lynch and Martin J. Walsh for legislation relative to requiring the MDC to acquire certain parcels of land in Dorchester,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

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

Further regulating the tax escrow requirements for certain mortgages (House, No. 2085); and

Authorizing the acquisition of property in the town of Sandwich for protection of a water supply well (House, No. 4781).

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 Education, Arts and Humanities to sit during the recess of the General Court for the purpose of making an investigation and study of a Senate document relative to safety hazards on school property (Senate, No. 2038),— and recommending that the same be referred to the Senate committee on Rules.

Under Senate Rule 36, the report was considered forthwith and accepted.

Mr. Birmingham, for the committee on Rules, to whom was referred 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 Senate documents relative to property taxes (Senate, No. 1809), reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1511) of Robert A. Durand, Susan C. Fargo, Andrea F. Nuciforo, Jr., Barbara Gardner and other members of the General Court for legislation relative to the taxation of forest, farm and recreation land; and By the same Senator, for the same committee, to whom was referred the Senate Order relative to authorizing the joint committee on Taxation to make an investigation and study of various Senate documents relative to excise, income, property and sales taxes (Senate, No. 1883), reported, in part, asking to be discharged from further consideration Of the petition (accompanied by bill, Senate, No. 1575) of David P. Magnani, Bruce E. Tarr, James P. Jajuga, Brian A. Joyce and Brian P. Lees for legislation to provide for an exemption from the sales tax for expenditures for mandated pollution control devices and safety equipment; and Of the petition (accompanied by bill, Senate, 1576) of David P. Magnani, Richard T. Moore, Bruce E. Tarr, James P. Jajuga and other members of the General Court for legislation to provide a sales tax exemption for mandated pollution control expenditures; And recommending that the same severally be recommitted to the committee on Taxation.

Under Senate Rule 36, the report was considered forthwith and accepted.

PAPERS FROM THE HOUSE.

A communication from the Commissioner of Banks (under Section 2(31) of Chapter 167F of the General Laws) submitting regulations permitting state-chartered banks to exercise certain powers granted to national banking institutions (House, No. 4861),— **was referred, in concurrence, to the committee on Banks and Banking.**

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4872) of Frank M. Hynes and Robert L. Hedlund (by vote of the town) that the licensing authority of the town of Scituate be authorized to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises to Petit Paris;

To the committee on Government Regulations.

Petition (accompanied by bill, House, No. 4871) of William J. McManus II, Robert A. Bernstein and Harold P. Naughton, Jr. (by vote of the town) relative to the annual budget in the town of West Boylston;

To the committee on Local Affairs.

Petition (accompanied by bill, House, No. 4873) of Scott P. Brown, David P. Linsky and Cheryl A. Jacques (by vote of the town) that the position of chief of police in the town of Millis be exempt from the provisions of civil service law.,

To the committee on Public Service.

Recess.

There being no objection, at four minutes past eleven o'clock A.M., the Chair (Mr. Tolman) declared a recess subject to the call of the Chair; and, at the hour of four o'clock P.M., the Senate reassembled, the President in the Chair.

Committee Changes.

The President announced the resignation of Senator Knapik of Second Hampden and Hampshire as a member of the committee on Bills in the Third Reading and the appointment of Senator Tarr of First Essex and Middlesex to fill the vacancy.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4875) of Scott P. Brown, Jo Ann Sprague and John H. Rogers for legislation to authorize the Trial Court to establish a sick leave bank for Tracy Morin, an employee of said court,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on the Judiciary.**

Report of Committees.

By Mr. Birmingham, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Richard T. Moore, Harriette L. Chandler, Stanley C. Rosenberg, Stephen M. Brewer and other members of the General Court for legislation to establish the pharmacy outreach program within the Executive Office of Elder Affairs to improve access to medication at reduced costs.

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

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill establishing a nonprofit housing corporation for the town of Belmont (see House, No. 4765) (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 President and laid before the Governor for his approbation.**

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 House Bill authorizing the city of Beverly to convey certain land (House, No. 4269),— was read a third time. An amendment, presented by Mr. Berry, in section 1, by inserting after the word "purposes", in line 34, the following word:— "only"; in section 1, by adding the following sentence:— "The parcels of land to be conveyed by the city to Holly L. Wyner, Trustee, contain approximately 1.61 acres."; and in section 2, by adding the following sentence:— "The parcels of land to be conveyed to the city contain approximately 1.66 acres and are of value equal to or greater than that of the parcels described in section 1, as determined through procedures customarily accepted by the appraising profession as valid.",— was considered; and it was adopted.

**The bill was then passed to be engrossed, in concurrence, with the amendment
Sent to the House for concurrence in the amendment.**

PAPERS FROM THE HOUSE.

A Bill validating the actions taken at an annual town meeting of the town of Blackstone (printed in House, No. 4572,— being a message from His Excellency the Governor),— was read.

There being no objection, the rules were suspended, on motion of Mr. Tolman, 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 relative to community preservation (House, No. 4866, printed as amended,— on House, No. 3203),— was read.

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

The same Senator moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 1988, amended by the Senate by inserting after the word "structure", in line 28, the word "vessel". The amendment was adopted.

**The bill, as amended, was ordered to a third reading, read a third time and passed to be engrossed.
Sent to the House for concurrence in the amendment.**

Committee Change.

The President announced the resignation of Senator Tarr of First Essex and Middlesex as a member of the committee on Bills in the Third Reading and the re-appointment of Senator Knapik of Second Hampden and Hampshire thereto.

Order Adopted.

On motion of Mr. Tolman,—

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. Tarr, at seven minutes past four o'clock P.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.
