

**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.



Thursday, November 9, 2000.

Met at two minutes past eleven o'clock A.M.

### *Reports of Committees.*

By Mr. Panagiotakos, for the committee on Housing and Urban Development, on petition, a Bill to acquire easement to construct and maintain two underground electric transmission cables within Squantum Point Park in Quincy and Morrissey Boulevard in Dorchester (Senate, No. 2300);

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

By Ms. Wilkerson, for the committee on State Administration, on petition, a Bill including a certain parcel of land in the town of Middleton in the South Essex sewage district (Senate, No. 2304);

**Read and, under Senate Rule 26, referred to the committee on Steering and Policy.**

### PAPER FROM THE HOUSE.

#### *Communication.*

Notice was received that the Speaker had announced the following appointments to special commissions, joint special committees and to a special task force:

That Representatives Finneran of Boston, Haley of Weymouth and Chandler of Worcester had been appointed to serve on the joint special commission established (under Section 46 of Chapter 159 of the Acts of 2000) to make an investigation and study relative to prescription drug review;

That Representatives Harkins of Needham, Finneran of Boston and Haley of Weymouth had been appointed to serve on the joint special commission established (under Section 139 of Chapter 159 of the Acts of 2000) to make an investigation and study relative to foundation budget review of educational programs and services;

That Representatives Teahan of Whitman and Kaufman of Lexington had been appointed to serve on the joint special commission established (under Section 469 of Chapter 159 of the Acts of 2000) to make an investigation and study of the utilization and licensing of complementary and alternative medical practitioners in the Commonwealth;

That Representative Harkins of Needham had been appointed to serve on the joint special commission established (under Section 470 of Chapter 159 of the Acts of 2000) to make an investigation and study of examining mechanisms for recruiting and training principals in the public schools of the Commonwealth;

That Representatives Donnelly of Boston and Garry of Dracut had been appointed to serve on the joint special commission established (under Section 480 of Chapter 159 of the Acts of 2000) to make an investigation and study of the provisions of end of life care services;

That Representatives Cahill of Beverly and Fresolo of Worcester had been appointed to serve on the joint special commission established (under Section 481 of Chapter 159 of the Acts of 2000) to make an investigation and study of evaluating the regulatory and licensure requirements of state funded human services and social services programs;

That Representatives Flavin of Easthampton, Harkins of Needham and Mariano of Quincy had been appointed to serve on the joint special commission established (under Section 483 of Chapter 159 of the Acts of 2000) to make an investigation and study of the effect that the coverage provided by individual insurance policies has on the increased costs of special education programs; and

That Representatives Greene of Billerica and Travis of Rehoboth had been appointed to serve on the joint special commission established (under Chapter 1 of the Resolves of 2000) to make an investigation and study of the Massachusetts Credit Union Share Insurance Corporation.

That Representatives Flavin of Easthampton, Chandler of Worcester and Fagan of Taunton had been appointed to serve on the joint special committee authorized (under the provisions of Section 21 of Chapter 140 of the Acts of 2000) to make an investigation and study of the implementation of nongroup health insurance reforms; and

That Representatives Haley of Weymouth, Rogers of Norwood, Chandler of Worcester and Flavin of Easthampton had been appointed to serve on the joint special committee authorized (under the provisions of Section 32 of Chapter 141 of the Acts of 2000) to make an investigation and study of establishing a system of consolidated health care financing.

The Speaker also announced that, effective October 25, Representatives Chandler of Worcester and Cahill of Beverly had been appointed to serve on the special task force authorized (under the provisions of Section 404 of Chapter 159 of the Acts of 2000) to make an investigation and study of the continued development of the Senior Care Options Demonstration Project, so-called.

### ***Resolutions.***

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

Resolutions (filed by Messrs. Bernstein and Glodis) “honoring Ralph Raymond, Head Coach of the United States Women’s Olympic Softball Team”;

Resolutions (filed by Mr. Joyce) “honoring Margaret Virginia Taylor”;

Resolutions (filed by Ms. Tucker) “congratulating Andover High School on winning the Division I Earnest Dalton Memorial Award for Athletic Excellence”;

Resolutions (filed by Ms. Walsh and Mr. Joyce) “congratulating Joseph John Roman on being named Knight of the Year 2000 by the Father John J. Flatley Knights of Columbus #2095”; and

Resolutions (filed by Ms. Walsh and Mr. Joyce) “congratulating John Francis Morrissey on being named Knight of the Year 2000 by the Father John J. Flatley Knights of Columbus #2095.”

### **PAPERS FROM THE HOUSE.**

#### ***Engrossed Bills.***

The following engrossed bills (both 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:

Establishing the Bourne Financial Development Corporation (see House, No. 4250); and

Establishing a sick leave bank for Marc Deschamps, an employee of the Department of Correction (see House, No. 5316).

#### ***Engrossed Bill Returned to House by His Excellency the Governor with Recommendation of Amendment.***

The engrossed Bill relative to the filing deadline for property tax appeals (see House, No. 4958),— having been returned to the House by His Excellency the Governor, in accordance with the provisions of Article LVI of the Amendments to the Constitution, with recommendation of amendment (for message, see House, No. 5471),— came from the House amended as follows:

By striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Section 7 of chapter 58A of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after the first paragraph the following two paragraphs:—

If any petition, including any petition, statement or appeal filed under this section or section 7A or 7B, is, after the period allowed for filing appeals with the board, delivered by United States mail, or by such alternative private delivery service as the board may by rule permit, to the board, the date of the United States postmark, or other substantiating mark permitted by rule of the board, affixed on the envelope or other appropriate wrapper in which such petition is mailed or delivered shall be deemed to be the date of delivery; provided, however, that such petition was mailed in the United States in an envelope or other appropriate wrapper, first class postage prepaid, or delivered to such alternative private delivery service, properly addressed to the board.

As used in this section, ‘United States postmark’ shall mean only a postmark made by the United States post office.

SECTION 2. Section 59 of chapter 59 of the General Laws, as so appearing, is hereby amended by adding the following two paragraphs:—

If any application for abatement of tax is, after the period or date prescribed by this section, delivered by United States mail, or by such alternative private delivery service as the commissioner of revenue may by regulation permit, to the assessors, the date of the United States postmark, or other substantiating date mark permitted by regulation of the commissioner of revenue, affixed on the envelope or other appropriate wrapper in which such application is mailed or delivered shall be deemed to be the date of delivery; provided, however, that such application was mailed in the United States in an envelope or other appropriate wrapper, first class postage prepaid, or delivered to such alternative private delivery service, properly addressed to the assessors.

As used in this section, ‘United States postmark’ shall mean only a postmark made by the United States post office.

SECTION 3. Section 64 of said chapter 59, as so appearing, is hereby amended by adding the following two paragraphs:—

If any complaint under this section is, after the period or date prescribed by this section, delivered by United States mail, or by such alternative private delivery service as the county commissioners or the board authorized to hear and determine such complaints, may permit, to the clerk of the county commissioners, or to such board, the date of the United States postmark, or other substantiating date mark permitted by the county commissioners or such board, affixed on the envelope or other appropriate wrapper in which such complaint is mailed or delivered shall be deemed to be the date of delivery; provided, however, that such complaint was mailed in the United States in an envelope or such appropriate wrapper, first class postage prepaid, or delivered to such alternative private delivery service, properly addressed to the county commissioners or the board authorized to hear and determine such complaints.

As used in this section, ‘United States postmark’ shall mean only a postmark made by the United States post office.

SECTION 4. Section 65 of said chapter 59, as so appearing, is hereby amended by adding the following two paragraphs:—

If any such petition is, after the period or date prescribed by this section, delivered by United States mail, or by such alternative private delivery service as the appellate tax board may by rule permit, to such board, the date of the United States postmark, or other substantiating date mark permitted by rule of such board, affixed on the envelope or other appropriate wrapper in which such petition is mailed or delivered shall be deemed to be the date of delivery; provided, however, that such petition was mailed in the United States in an envelope or other appropriate wrapper, first class postage prepaid, or delivered to such alternative private delivery service, properly addressed to the board.

As used in this section, ‘United States postmark’ shall mean only a postmark made by the United States post office.

SECTION 5. Section 33A of chapter 62C of the General Laws, as so appearing, is hereby amended by inserting after the second paragraph the following paragraph:—

If any petition is, after the period or date prescribed under section 39, delivered by United States mail, or by such alternative private delivery service as the appellate tax board may by rule permit, to the appellate tax board, the date of the United States postmark, or other substantiating date mark permitted by rule of the board, affixed on the envelope or other appropriate wrapper in which such petition is mailed or delivered shall be deemed to be the date of delivery; provided, however, that such petition was mailed in the United States in an envelope or other appropriate wrapper, first class postage prepaid, or delivered to such alternative private delivery service, properly addressed to the board.”.

The message of His Excellency the Governor was read.

The rules were suspended, on motion of Ms. Fargo, and the matter was considered forthwith.

The President stated that inasmuch as, under the provisions of Article LVI of the Amendments to the Constitution, the bill was, “before the General Court subject to amendment and re-enactment”, the bill was before the Senate subject to amendment.

**On motion of Ms. Fargo, the Senate concurred in the adoption of the House amendment (as corrected by Senate BTR).**

A petition (accompanied by bill, House, No. 5478) of Kevin G. Honan (with the approval of the mayor and city council) that the State Boston Retirement Board be directed to grant a retirement pension to Thomas J. Gomperts, a detective of the police department in the city of Boston injured in the line of duty,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

A Bill making appropriations for the fiscal year 2001 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 5476, printed as amended,— on House, No. 5458, in part),— was read.

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

***Emergency Preamble Adopted.***

An engrossed Bill relative to the organization and supervision of fraternal benefit societies (see House, No. 4507, amended), 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 3 to 0.**

**The bill was signed by the President and sent to the House for enactment.**

***Report of a Committee.***

Mr. Montigny, for the committee on Ways and Means, on House, No. 5465, reported, in part, a “Bill making appropriations for the fiscal year 2001 to provide for supplementing certain existing appropriations and for certain other activities and projects” (Senate, No. 2310).

**The bill was read. There being no objection, the rules were suspended, on motion of Mr. Montigny, and the bill 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.**

***Recess.***

There being no objection, at eight minutes past eleven o'clock A.M., the President declared a recess subject to the call of the Chair; and, at one minute past twelve o'clock noon, the Senate reassembled, the President in the Chair.

**PAPERS FROM THE HOUSE.**

***Engrossed Bills.***

The following engrossed bills (the first 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:

Establishing the month of April as public health month (see Senate, No. 2190);

Relative to the organization and supervision of fraternal benefit societies (see House, No. 4507, amended); and

Making appropriations for the fiscal year 2001 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 5476, printed as amended).

***Order Adopted.***

On motion of Mr. Nuciforo,—

*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. Tisei, at two minutes past twelve o'clock noon, the Senate adjourned to meet on the following Monday at eleven o'clock A.M.