

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, January 20, 2000.

Met at twenty-six minutes past twelve o'clock noon.

Communication.

A communication from the Public Employee Retirement Administration Commission submitting a copy of its Actuarial Primer (received Tuesday, January 18, 2000),— **was placed on file.**

Reports.

A report of the Joint Labor-Management Committee for Municipal Fire and Police (under the provisions of Section 1 of Chapter 589 of the Acts of 1987) relative to municipal public safety bargaining disputes (received Wednesday, January 5, 2000),— **was placed on file.**

The following reports were severally read and sent to the House for its information:

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 inspection of South Middlesex Pre-Release Center (received Thursday, January 13, 2000); and

A report of the Bureau of Special Investigations (under the provisions of Section 15D(6) of Chapter 22 of the General Laws) submitting its report for the month of November 1999 (received Thursday, January 13, 2000).

Report of a Committee.

Ms. Melconian, for the committee on Rules, to whom was referred the Senate Order relative to authorizing and directing the joint committee on Criminal Justice to make an investigation and study of Senate documents numbered 175, relative to drug free elder zones, and 1998, relative to witness protection (Senate, No. 2042), reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1998) of Cynthia S. Creem, Robert E. Travaglini, Brian A. Joyce, Peter J. Koutoujian and other members of the General Court for legislation relative to witness protection and the crime of witness intimidation,— and recommending that the same be recommitted to the committee on Criminal Justice.

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

PAPERS FROM THE HOUSE.

A Bill relative to the terms of certain bonds and notes issued by the Commonwealth (printed in House, No. 4938,— being a message from His Excellency the Governor),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Emergency Preamble Adopted.

An engrossed Bill relative to the Massachusetts Water Resources Authority bond cap (see Senate, No. 1056, 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 12 to 0. The bill was signed by the President and sent to the House for enactment.**

Engrossed Bills — Land Taking for Conservation, Etc.

An engrossed Bill providing for the conveyance of a conservation restriction to the Greater Worcester Land Trust, Inc. (see Senate, No. 1739) (which originated in the Senate), 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-eight minutes past twelve o'clock noon, as follows, to wit (yeas 36 — nays 0):

YEAS.

Antonioni, Robert A.	Menard, Joan M.
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.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Rauschenbach, Henri S.
Fargo, Susan C.	Resor, Pamela
Glodis, Guy W.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Sprague, Jo Ann
Jacques, Cheryl A.	Tarr, Bruce E.
Jajuga, James P.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Travaglini, Robert E.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — 36.

NAYS — 0.

ABSENT OR NOT VOTING.

Lynch, Stephen F.	Pacheco, Marc R. — 3.
Montigny, Mark C.	

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

An engrossed Bill authorizing the town of Shirley to release a certain conservation restriction (see House, No. 4929) (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-six minutes before one o'clock P.M., as follows, to wit (yeas 36 — nays 0):

YEAS.

Antonioni, Robert A.	Menard, Joan M.
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.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Rauschenbach, Henri S.
Fargo, Susan C.	Resor, Pamela
Glodis, Guy W.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Sprague, Jo Ann
Jacques, Cheryl A.	Tarr, Bruce E.
Jajuga, James P.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Travaglini, Robert E.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — 36.

NAYS — 0.

ABSENT OR NOT VOTING.

Lynch, Stephen F.	Pacheco, Marc R. — 3.
Montigny, Mark C.	

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

Reports of a Committee.

By Mr. Jajuga, for the committee on Ways and Means, that the House Bill relative to executive compensation and the Emergency Finance Board (House, No. 4882, amended),— ought to pass.

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

After remarks, the question on passing the bill to be engrossed, in concurrence, was determined by a call of the yeas and nays, at sixteen minutes before one o'clock P.M., on motion of Mr. Joyce, as follows, to wit (yeas 36 — nays 0):

YEAS.

Antonioni, Robert A.	Menard, Joan M.
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Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., 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.
Knapik, Michael R.
Lees, Brian P.
Magnani, David P.
Melconian, Linda J.

Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
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.
Walsh, Marian
Wilkerson, Dianne — 36.

NAYS — 0.

ABSENT OR NOT VOTING.

Lynch, Stephen F.
Montigny, Mark C.

Pacheco, Marc R. — 3.

The yeas and nays having been completed at thirteen minutes before one o'clock P.M., the bill was passed to be engrossed, in concurrence.

By Mr. Jajuga, for the committee on Ways and Means, that the House Bill relative to the compensation of district attorneys (House, No. 4766, amended),— ought to pass.

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

The question on passing the bill to be engrossed, in concurrence, was determined by a call of the yeas and nays, at twelve minutes before one o'clock P.M., on motion of Ms. Melconian, as follows, to wit (yeas 36 — nays 0):

YEAS.

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.

Menard, Joan M.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.

Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Magnani, David P.
Melconian, Linda J.

Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 36.

NAYS — 0.

ABSENT OR NOT VOTING.

Lynch, Stephen F.
Montigny, Mark C.

Pacheco, Marc R. — 3.

The yeas and nays having been completed at nine minutes before one o'clock P.M., the bill was 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 increasing the compensation of district attorneys."

Orders of the Day.

The Orders of the Day were considered, as follows:

The House Bill further regulating the tax escrow requirements for certain mortgages (House, No. 2085),— **was read a third time and passed to be engrossed, in concurrence.**

The Senate Bill establishing the Blackstone Valley heritage district and commission (Senate, No. 1023),— was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Moore moved that the bill be amended in section 1, by inserting after the word "shall", in line 8, the following words:— " subject to acceptance of membership by each municipality,;" and by inserting after the word "appropriate.", in line 17, the following two sentences:— "For an eligible municipality to become a member of the district, the membership must be accepted by a majority vote of the town meeting of the town, or in the case of the city of Worcester, by a majority vote of the city council."

This amendment was adopted.

The bill, as amended, was then passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill designating a plaque for Edward Cohen (Senate, No. 1432),— **was read a third time; and, after remarks, was passed to be engrossed.**

Sent to the House for concurrence.

The House Bill relative to the underground cable reimbursement schedule (House, No. 2692),— was read a third time.

Pending the main question on passing the bill to be engrossed, on motion of Ms. Murray, the further consideration thereof was postponed until Thursday, February 17.

The House Bill relative to the requirements for in-service physical fitness standards (House, No. 81),— **was read a third time; and, after remarks, was passed to be engrossed, in concurrence.**

The House Bill relative to open-end mortgage loans (House, No. 4478) (its title having been changed by the committee on Bills in the Third Reading),— was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Nuciforo moved that the bill be amended by inserting after the enacting clause the following section:—

“SECTION 1. Section 96 of chapter 140 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:—

This section shall not apply to loans that are subject to section 90A, or to section 28B of chapter 183.”

This amendment 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.

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:

Relative to the Massachusetts Water Resources Authority bond cap (see Senate, No. 1056, amended);

Relative to the retirement of Francis Burns (see House, No. 4146);

Relative to certain housing in the town of Groton (see House, No. 4318, amended);

Relative to municipal lighting plants (see House, No. 4427, amended);

Authorizing the town of Winchester to grant five additional licenses for the sale of wines and malt beverages to be drunk on the premises (see House, No. 4857); and

Relative to the Provincetown Pier Corporation (see House, No. 4903).

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4973) of Stephen P. LeDuc, Pamela P. Resor and another relative to serving summonses in actions brought in the Probate Court and the Superior Court of the Commonwealth;

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

Petition (accompanied by bill, House, No. 4974) of David B. Sullivan, Joan M. Menard and Michael J. Rodrigues for legislation to authorize the Massachusetts Bay Transportation Authority to establish a sick leave bank for Kevin J. Souza, an employee of said authority;

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

Resolutions.

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

Resolutions (filed by Mr. Glodis) “recognizing Carl M. Allen on the occasion of his one hundred and seventh birthday and for his service to the Commonwealth and the United States”; and

Resolutions (filed by Mr. Rauschenbach) “in honor of the retirement of Richard E. Galligan”.

Matter Taken Out of the Notice Section of the Calendar.

There being no objection, the following matter was taken out of the notice section and considered, as follows:

The House Bill authorizing the town of Stoneham to grant certain licenses for the sale of alcoholic beverages to be drunk on the premises (House, No. 4472),— was read a second time. Pending the question on ordering the bill to a third reading, Mr. Tisei moved that the bill be amended by striking out sections 3 and 4 and inserting in place thereof the following section:—

“SECTION 3. This act shall take effect upon its passage.”

The amendment was adopted.

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Reports of Committees.

By Ms. Melconian, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Guy W. Glodis, Mark J. Carron, Evelyn G. Chesky and Mary S. Rogeness for legislation relative to providing English language immersion programs for bilingual students.

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

By Ms. Melconian, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Robert A. Antonioni and Robert S. Hargaves (by vote of the town) for legislation to authorize the town of Townsend to establish an open space fund [Local approval received].

Senate Rule 36 was suspended, on motion of Mr. Rosenberg, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Taxation. Severally sent to the House for concurrence.

By Mr. Jajuga, for the committee on Ways and Means, that the Senate Bill relative to nuclear pharmacy (Senate, No. 478), ought to pass, with an amendment, substituting a new draft with the same title (Senate, No. 2076).

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

The bill (Senate, No. 2076) was then 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 fourteen minutes past one o'clock P.M., the President declared a recess subject to the call of the Chair; and, at seven minutes past two o'clock P.M., the Senate reassembled, the President in the Chair.

PAPERS FROM THE HOUSE.

Emergency Preambles Adopted; Engrossed Bills Enacted.

An engrossed Bill increasing the compensation of district attorneys (see House, No. 4766, 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.

Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been enacted in that branch.

The Senate then passed the bill to be enacted; and it was signed by the President and laid before the Governor for his approbation.

An engrossed Bill relative to executive compensation and the Emergency Finance Board (see House, No. 4882, 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.

Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been enacted in that branch.

The Senate then passed the bill to be enacted; and it was signed by the President and laid before the Governor for his approbation.

Order Adopted.

On motion of Ms. Melconian,—

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 twenty-one minutes past two o'clock P.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.
