

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, March 6, 2000.

Met at seven 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).

Distinguished Guests.

The Chair (Ms. Melconian) introduced, seated in the rear of the Chamber, Tony and Mary Balsamo. Tony and Mary are summer constituents of Senator Rauschenbach, who won a day at the State House with the Senator at a recent charity auction.

The Chair (Ms. Melconian) subsequently introduced, seated in the rear of the Chamber, Michael Placzek and Victoria Ginter from the Chicopee Boys and Girls Club. Mr. Placzek is a member of the club's board of directors and Victoria Ginter is the club's executive director. They were the guests of Senators Knapik and Melconian.

Communication.

A communication from Senator Marc R. Pacheco in compliance with Massachusetts General Laws Chapter 268A,— **was placed on file.**

Report.

A report of the Massachusetts Capital Resource Company (under the provisions of Section 20 of Chapter 816 of the Acts of 1977) submitting its twenty-third annual report (Senate, No. 2119) (received Wednesday, March 1, 2000),— **was referred to the committee on Taxation.**

Sent to the House for concurrence.

Petition.

Ms. Melconian presented a petition (subject to Joint Rule 12) of Linda J. Melconian for legislation relative to including credit unions in the small business capital access program,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5043) of Carol C. Cleven and Susan C. Fargo (by vote of the town) for legislation to authorize the conservation commission of the town of Chelmsford to convey a certain easement to said town;
To the committee on Local Affairs.

Petition (accompanied by bill, House, No. 5044) of Ruth W. Provost and Therese Murray (by vote of the town) relative to the assessment of taxes by the town of Bourne on the integrated solid waste management facility located in said town;

To the committee on Taxation.

Bills

Relative to access to autopsy reports (House, No. 2723, amended,— on petition); and

Relative to certain borrowing of the towns of Groveland and Merrimac (House, No. 3893,— on petition);

Were severally read and, under Senate Rule 26, referred to the committee on Steering and Policy.

Notice was received that the Speaker had announced the appointment of Representatives Canavan of Brockton, Simmons of Leominster, Khan of Newton, Atkins of Concord and Hyland of Foxborough to serve on the special commission established (under Section 338 of Chapter 127 of the Acts of 1999) to investigate and report on matters affecting the practice of nursing and the delivery of health care services by nurses.

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

Relative to affordable housing in the town of Provincetown (see House, No. 4317, amended); and

Providing for the annual observance of the month of March as Irish-American Heritage Month (see House, No. 4767).

Resolutions.

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

Resolutions (filed by Messrs. Jajuga, Berry, Clancy, Ms. Fargo, Messrs. Havern, Panagiotakos, Shannon, Tarr, Tisei and Ms. Tucker) “honoring direct support providers for their dedicated and valued service to persons with disabilities”; and Resolutions (filed by Mrs. Sprague) “congratulating Corey Manchester of Seekonk upon his elevation to the rank of Eagle Scout”.

Petition.

On motion of Mr. Brewer, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Ms. Creem (accompanied by bill) of Cynthia S. Creem, Cheryl A. Jacques, Pamela P. Resor, Carol A. Donovan and other members of the General Court for legislation to prevent the illegal trafficking of firearms,— **and the same was referred to the committee on Criminal Justice.**

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

The House Bill providing for an accelerated transportation development and improvement program for the Commonwealth (House, No. 4865, amended),— came from the House with the endorsement that the House had NON-concurred in the Senate amendments:

Striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2102; striking out the title and inserting a new title, entitled “An Act providing for an accelerated transportation development improvement program for the Massachusetts Bay Transportation Authority”; and 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 provide forthwith for an accelerated transportation development and improvement program for the Massachusetts Bay Transportation Authority, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”; and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Sullivan of Braintree, Stanley of Merrimac and Marini of Hanson had been appointed to the committee on the part of the House.

On motion of Ms. Wilkerson, the Senate insisted on its amendments, and concurred in the appointment of a committee of conference on the disagreeing votes of the two branches; and Senators Montigny, Havern and Hedlund were appointed to the committee on the part of the Senate.

The bill was returned to the House endorsed accordingly.

The Senate Bill providing for an accelerated transportation development and improvement program for the Commonwealth (Senate, No. 2103),— came from the House passed to be engrossed, in concurrence, *with an amendment*, striking out all after the

enacting clause and inserting in place thereof the text contained on House document numbered 4877.

On motion of Mr. Moore, the Senate NON-concurred in the House amendment, and asked for a committee of conference on the disagreeing votes of the two branches; and Senators Montigny, Havern and Hedlund were appointed to the committee on the part of the Senate.

Sent to the House to be joined.

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 Bruce E. Tarr, Brian P. Lees, Anthony J. Verga, Bradford Hill and other members of the General Court for legislation to establish a new division within the Department of Telecommunications and Energy relative to wireless communications.

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

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 Bruce E. Tarr, Anthony J. Verga, Brian P. Lees and other members of the General Court for legislation relative to hospitals, health maintenance organizations and providers of medical services.

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

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 James P. Jajuga for legislation relative to dismissal of civil motor vehicle infractions upon payment of a citation's assessment to a municipality's road repair fund.

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

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 Pamela P. Resor and Cory Atkins (by vote of the town) for legislation relative to the Acton-Boxborough regional school district construction and renovation [Local approval received].

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

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 Pamela P. Resor and Cory Atkins (by vote of the town) for legislation relative to local school construction and removal in the town of Acton [Local approval received].

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

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 Cynthia S. Creem for legislation relative to authorizing the Department of Public Safety to conduct a study of the safety of youth and school athletic programs.

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

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 Bruce E. Tarr and Anthony J. Verga for legislation relative to authorizing Donald Campbell to take a civil service examination.

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

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 Richard T. Moore, Gale D. Candaras, Therese Murray, Robert S. Creedon, Jr., and other members of the General Court for legislation relative to establishing grants to public libraries for improvement of library service.

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

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 Bruce E. Tarr and Bradford Hill (by vote of the town) for legislation to authorize an exemption for certain lodging establishments in the town of Ipswich from the room occupancy tax [Local approval received].

Senate Rule 36 was suspended, on motion of Mr. Bernstein, 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.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5047) of Mark J. Carron, Paul K. Frost, Richard T. Moore and Mary Jeanette Murray relative to civil service rights of certain intermittent police officers and fire fighters;

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

Petition (accompanied by bill, House, No. 5048) of Stephen Kulik and Stanley C. Rosenberg relative to authorizing the Division of Capital Asset Management and Maintenance to convey a certain easement to the town of Montague for highway purposes;

Under suspension of Joint Rule 12, to the committee on State Administration

Recess.

There being no objection, at thirteen minutes past eleven o'clock A.M., the Chair (Ms. Melconian) declared a recess subject to the call of the Chair; and, at twenty-three minutes before twelve o'clock noon, the Senate reassembled, Ms. Melconian in the Chair.

PAPERS FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill providing for the licensing of perfusionists (see House, No. 1183, amended) (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 re-enacted and was signed by the Acting President and again laid before the Governor for his approbation.**

The House Order relative to providing for an investigation and study by a joint special committee to ascertain the cost of completing the Central Artery/Tunnel project and to review the statewide transportation program (House, No. 5045) (having been approved by the committees on Rules of the two branches, acting concurrently),— was adopted, in concurrence.

Subsequently, notice was received from the House that the Speaker and the Minority Leader had announced their appointments to said committee. The appointments to the committee on the part of the House are as follows: Representatives Sullivan of Braintree, Haley of Weymouth, Walrath of Stow, Cahill of Beverly and Jones of North Reading.

The President and the Minority Leader also announced their appointments to said committee. The appointments to the committee on the part of the Senate are as follows: Senators Havern, Montigny, Jacques, Wilkerson and Rauschenbach.

Order Adopted.

On motion of Mr. Knapik,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Thursday 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. Knapik, at eighteen minutes before twelve o'clock noon, the Senate adjourned to meet on the following Thursday at eleven o'clock A.M.
