

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 13, 2000.

Met at five 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).

Communications.

The following communications were severally placed on file:

Communication from the Executive Office for Administration and Finance (under Section 3B of Chapter 7 of the General Laws) submitting notice of changes for license fees (received Friday, March 10, 2000); and
Communication from the Department of Youth Services (under the provisions of Section 16 of Chapter 123A of the General Laws) submitting a letter regarding sexually dangerous persons (received Friday, March 10, 2000).

Reports.

A report from Barbara A. Dortch-Okara, Chief Justice for Administration and Management of the Trial Court of the Commonwealth (under the provisions of Section 2, line item 0330-3200 of Chapter 127 of the Acts of 1999) submitting a report detailing the number of court officers and security personnel located in each Trial Court of the Commonwealth (received Wednesday, March 8, 2000),— **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) relative to inspection of the Essex County Correctional Alternative Center (received Friday, March 10, 2000),— **was read and sent to the House for its information.**

Petition.

Mr. Bernstein presented a petition (accompanied by bill, Senate, No. 2129) of Robert A. Bernstein and Harold P. Naughton, Jr. (by vote of the town) for legislation to amend an act conveying Wachusett Reservoir area land to the town of Clinton to ensure compliance with the Federal Safe Drinking Water Act [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on State Administration.**

Sent to the House for concurrence

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Report of a Committee.

By Mr. Moore, for the committee on Health Care, on Senate, Nos. 489 and 499 and House, No. 2516, a Bill requiring nursing homes to maintain safe staffing levels to protect the health and safety of residents (Senate, No. 2130);
Read and, under Senate Rule 27, referred to the committee on Ways and Means.

PAPERS FROM THE HOUSE.

A message from His Excellency the Governor recommending legislation relative to establishing a health care access preservation trust (House, No. 5052),— **was referred, in concurrence, to the committee on Health Care.**

Bills

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,— on House, No. 4485) [Local approval received on House, No. 4485]; and Amending the public bond statute (House, No. 5051,— on House, No. 1860);

Were severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

The Senate Bill providing for an accelerated transportation development and improvement program for the Commonwealth (Senate, No. 2103),— came from the House with the endorsement that the House had insisted on its amendment, striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4877; and had concurred in the appointment committee of conference on the disagreeing votes of the two branches; and that Representatives Sullivan of Braintree, Stanley of West Newbury and Marini of Hanson had been appointed the committee on the part of the House. The membership of the committee on part of the Senate (which had previously been appointed) is as follows: Senators Montigny, Havern and Hedlund.

Reports of a Committee.

By Mr. Montigny, for the committee on Ways and Means, that the Senate Bill relative to public hospitals (Senate, No. 440),— ought to pass.

The rules were suspended, on motion of Mr. Bernstein, 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 city of Waltham (Senate, No. 1479),— 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 city of Waltham” (Senate, No. 2132).

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. 2132) was then ordered to a third reading.

By Mr. Montigny, for the committee on Ways and Means, that the Senate Bill relative to the sale of Disabled American Veterans’ land in Barnstable (Senate, No. 1468),— ought to pass, with an amendment, substituting a new draft entitled “An Act relative to Disabled American Veterans’ land in Barnstable” (Senate, No. 2133).

The rules were suspended, on motion of Ms. Murray, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The bill (Senate, No. 2133) was then ordered to a third reading.

By Mr. Montigny, for the committee on Ways and Means, that the Senate Bill relative to “the children’s and families’ protection act” (Senate, No. 2105) — ought to pass, with an amendment, substituting a new draft entitled “An Act protecting children and families from harmful pesticides” (Senate, No. 2134).

The rules were suspended, on motion of Ms. Resor, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The bill (Senate, No. 2134) was then ordered to a third reading.

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:— Resolutions (filed by Mr. Knapik) “honoring Congressman Peter King of New York”; and Resolutions (filed by Mrs. Sprague) “congratulating Penny Calf on being named the Friends of Saint Patrick Person of the Year”.

Order Adopted.

Mr. Travaglini offered the following order, to wit:—

Ordered, That the Clerk of the Senate be authorized to print as a Senate document a report entitled “Special Education in Massachusetts” prepared by McKinsey and Company.

The order was considered forthwith; and, there being no objection, it was adopted. [NOTE: The report was numbered Senate, No. 2127.]

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill to improve the emergency medical services system (see House, No. 1946, 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 5 to 0.**

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

The House Bill relative to foothold traps and certain other devices (House, No. 4884),— came from the House with the endorsement that the House had NON-concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2094; and 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 forthwith to protect persons from threats to human health and safety caused by certain animals, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health, safety and convenience.”; and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Greene of Billerica, Kulik of Worthington and Gauch of Shrewsbury had been appointed to the committee on part of the House.

On motion of Mr. Travaglini, the Senate insisted in its amendment, and concurred in the appointment of a committee of conference on the disagreeing votes of the two branches; and Senators Pacheco, Rosenberg and Knapik were appointed to the committee on the part of the Senate.

The bill was returned to the House endorsed accordingly.

A Bill authorizing the city of Lowell to issue a common victualler’s license to the Lowell Memorial Auditorium (House, No. 4998,— on petition) [Local approval received],— was read.

There being no objection, the rules were suspended, on motion of Mr. Bernstein, and the bill was read a second time, ordered to a third reading, read a third time and 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 authorizing the city of Lowell to issue certain licenses to the Lowell Memorial Auditorium for sale of food and alcoholic beverages.”

A petition (accompanied by bill, House, No. 5059) of David T. Donnelly, Robert S. Creedon, Jr., John H. Rogers, John F. Quinn and Gale D. Candaras relative to the intrafamily testimonial privilege of unemancipated minor children,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on the Judiciary.**

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 the Judiciary be granted until Saturday, July 1, 2000, the time within which to make its final report on current Senate documents numbered 789, 813, 906 and 2111, and House documents numbered 282, 676, 808, 1011, 1018, 1026, 1389, 1390, 1582, 2149, 2156, 2544, 2553, 2923, 2931, 2932, 2934, 2938, 3108, 3301, 3501, 3504, 3506, 3512, 3516, 3518, 3680, 3684, 3691, 3703, 3711, 3715, 4026, 4166, 4168, 4365, 4733, 4809, 4832, 4918 and 4973.

Petition.

On motion of Ms. Resor, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Moore (accompanied by bill) of Richard T. Moore and George N. Peterson, Jr. (by vote of the town) for legislation to authorize the town of Northbridge to transfer a portion of its water service area and to relocate the franchise boundary line between the water service areas of the town of Northbridge and Whitinsville water company [Local approval received],— **and the same was referred to the committee on Local Affairs.**

Sent to the House for concurrence.

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 Stephen M. Brewer, David H. Tuttle and Laurance Pease for legislation relative to job security for the state wildfire team.

Senate Rule 36 was suspended, on motion of Ms. Murray, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Commerce and Labor.

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, Emile J. Goguen and Brian Knuuttila for legislation relative to the retirement of Richard N. Bourgault.

Senate Rule 36 was suspended, on motion of Ms. Murray, 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. Severally sent to the House for concurrence.

Order Adopted.

Mr. Travaglini offered the following order, to wit:—

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at one o'clock P.M.; and that the Clerk be authorized to place in the Senate Calendar for said sitting House documents numbered 5000 and 5001, reorganizations plans numbered 1 and 2 of 2000; and full consideration shall be allowed on said matters. The question before the Senate, in each instance, shall be "Shall the reorganization plan be approved?"

The order was considered forthwith; and, there being no objection, it was adopted.

Reports of a Committee.

The committee on State Administration, to whom was referred Reorganization Plan No. 1 of 2000 (submitted by the Governor under the provisions of Article LXXXVII of the Amendments to the Constitution) relative to the Department of Youth Services (see House, No. 5000 of 2000) [for majority and minority report, see Senate, No. 2123],— reported, in accordance with a provision of Joint Rule 23A, recommending that said Reorganization Plan No. 1 "ought NOT to be approved." (The report having been filed in the Senate Clerk's office on Thursday, March 2, 2000.)

The committee on State Administration, to whom was referred Reorganization Plan No. 2 of 2000 (submitted by the Governor under the provisions of Article LXXXVII of the Amendments to the Constitution) relative to the department of children, families and learning (see House, No. 5001 of 2000) [for majority and minority report, see Senate, No. 2124],— reported, in accordance with a provision of Joint Rule 23A, recommending that said Reorganization Plan No. 2 "ought NOT to be approved." (The report having been filed in the Senate Clerk's office on Thursday, March 2, 2000.)

Pursuant to an order previously adopted by the Senate, the reports were placed in the orders of the Day for the next session, the question being "Shall the reorganization plan be approved?", in each instance.

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