

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, March 16, 2000.

Met at four minutes past eleven o'clock A.M. (Mr. Rosenberg in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

Distinguished Guest.

The Chair (Mr. Rosenberg) introduced, seated in the rear of the Chamber, John "Dick" Rossi, accompanied by his wife, Lydia, Robert "Catfish" Raine and Seymour Kahn, Chairman of the Board of the Mercury Air Group. Mr. Rossi and Mr. Raine, both flight leaders, were members of the Flying Tigers. These men were asked by then President Roosevelt to serve in China in the Spring of 1941. When Pearl Harbor was attacked these men played a vital role in defending American interests, destroying nearly 300 enemy planes. Subsequently, each of them signed the guest book and withdrew from the Chamber. They were the guests of Senate President Birmingham.

Report.

A report of the Senate committee on Post Audit and Oversight (under the provisions of Section 63 of Chapter 3 of the General Laws, as most recently amended by Chapter 557 of the Acts of 1986) (entitled "Money Down the Drain? A Review of Bottled Water in Massachusetts" (Senate, No. 2135) (received Thursday, March 16, 2000),— **was placed on file.**

Petition.

Petitions were presented and referred, as follows:

By Mr. Knapik, a petition (subject to Joint Rule 12) of Michael R. Knapik and Evelyn G. Chesky for legislation relative to retirement benefits for municipal retirement board trustees;

By Mr. Moore, a petition (subject to Joint Rule 12) of Richard T. Moore, Stanley C. Rosenberg, Richard R. Tisei, John P. Fresolo and other members of the General Court for legislation relative to creating a managed care project for those seniors who are eligible for both Medicare and Medicaid benefits; and

By Mr. Morrissey (by request), a petition (subject to Joint Rule 12) of Donald Kusser for legislation relative to the Mid-Cape highway within the town of Barnstable;

Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of Committees.

By Mr. Magnani, for the committee on Science and Technology, that the House Bill relative to the Massachusetts Technology Development Corporation (House No. 2459, amended),— ought to pass, with an amendment, striking out all after the enacting

clause and inserting in place thereof the text of Senate document numbered 2142.

Referred, under Senate Rule 27, to the committee on Ways and Means.

By Mr. Panagiotakos, for the committee on Housing and Urban Development, on Senate, No. 2120 and House, No. 5058, a Bill to preserve affordable housing (Senate, No. 2143); and

By Mr. Bernstein, for the committee on Insurance, on the recommitted petition, a Bill mandating coverage for ectodermal dysplasia (Senate, No. 2067);

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

By Mr. Tolman, for the committee on Local Affairs, on petition, a Bill relative to the charter of the town of Sutton (Senate, No. 2108) [Local approval received]; and

By the same Senator, for the same committee, on petition, a Bill authorizing the conservation commission of the town of Andover to grant an easement (Senate, No. 2121) [Local approval received];

Severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

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 payroll deductions for periodic passes for public transportation (House, No. 1069); and
Relative to access to autopsy reports (House, No. 2723, amended).

PAPERS FROM THE HOUSE.

A Bill authorizing the city of Leominster to borrow money to renovate a certain city building for use as a courthouse (House, No. 4603,— on petition [Local approval received],— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A Bill validating the proceedings at certain town meetings of the town of Chilmark (printed in House, No. 4182,— being a message from His Excellency the Governor),— **was read and, under Senate Rule 26, referred to the committee on Steering and Policy.**

Bills

Authorizing the city of Lawrence to use certain park and playground land for school purposes (House, No. 4380,— on petition). [Local approval received]; and

Exempting the position of deputy police chief in the police department of the city of Lawrence from provisions of the civil service law (House, No. 4515,— on petition) [Local approval received];

Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Petition.

On motion of Mr. Moore, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Pacheco (accompanied by bill) of Marc R. Pacheco, James H. Fagan and Philip Travis for legislation to terminate a certain easement granted to the Department of Mental Health in Taunton,— **and the same was referred to the committee on State Administration.**

Sent to the House for concurrence.

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 5066) of Shaun P. Kelly, Andrea F. Nuciforo, Jr., Christopher J. Hodgkins, Peter J. Larkin and Daniel E. Bosley that the county commissioners of Berkshire County be authorized to acquire certain property located in the towns of Cheshire and Lanesborough,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on State Administration.**

Resolutions.

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

Resolutions (filed by Mrs. Sprague) “congratulating Robert James Butler of Foxboro upon his elevation to the rank of Eagle Scout”; and
Resolutions (filed by Ms. Walsh) “congratulating George Thomas on the occasion of his retirement”.

Communications.

The Clerk read the following communications:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

March 15, 2000.

Mr. Patrick F. Scanlan
Clerk of the Senate
State House
Boston, Massachusetts 02133

Dear Mr. Scanlan:

On March 14, 2000, due to a conflict, I was unable to be present for the roll call votes on Senate Bill 2134, An Act Protecting Children and Families From Harmful Pesticides, and House Bill 4551, An Act Relative to Local Elections., Had I been present, I would have voted in the affirmative.

I was also unable to be present for the roll call votes on House Bill 5000, An Act Relative to the Department of Youth Services, and House Bill 5001, An Act Relative to the Department of Children, Families, and Learning. Had I been present, I would have voted in the negative.

I would appreciate your noting this for the record. Thank you for your assistance in this matter.

Sincerely,
CHERYL A. JACQUES.

On motion of Mr. Bernstein, the above statement was ordered printed in the Journal of the Senate.

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

March 15, 2000.

Mr. Patrick F. Scanlan
Clerk of the Massachusetts Senate
State House, Room 335
Boston, Massachusetts 02133

Dear Mr. Clerk:

Due to a long-standing appointment in my district, I was unable to vote on approving H. 5001 — Reorganization Plan No. 2 of 2000, and ordering to a third reading H. 4551 — Relative to local elections. Had I been present, I would have voted against H. 5001, and for H. 4551.

Sincerely,
EDWARD J. CLANCY, JR.,
State Senator.

On motion of Mr. Tarr, the above statement was ordered printed in the Journal of the Senate.

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

Providing for the laying out and acceptance of certain ways by the city known as the town of Agawam (see Senate, No. 2018);
Relative to the agency powers of banks to provide certain banking transactions and to share office locations (see House, No. 14);
Relative to business loans (see House, No. 2470);
Relative to the underground cable reimbursement schedule (see House, No. 2692);
Relative to renewal date of licenses issued by the Board of Registration of Hearing Instrument Specialists (see House, No. 4155);
Relative to open-end mortgage loans (see House, No. 4478, amended); and
Relative to deceased depositors (see House, No. 4586).

Matters Taken Out of the Orders of the Day.

There being no objection, the following matters were taken out of the Orders of the Day and considered, as follows:

The House bills

Authorizing the town of Orleans to pay certain claims (House, No. 3720);

Relative to the Nantucket Historic District (House, No. 4047); and

Relative to the harbormaster, assistant harbormasters, shellfish warden and assistant shellfish wardens of the town of Fairhaven (House, No. 4449);

Were severally read a third time and passed to be engrossed, in concurrence.

Reports of Committees.

By Mr. Clancy, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Therese Murray, Kathleen M. Teahan, Brian P. Lees, Henri S. Rauschenbach and other members of the General Court, and Shannon P. O'Brien, Treasurer and Receiver General for legislation relative to establishing the catastrophic illness in children relief fund.

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.

By Mr. Clancy, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Brian A. Joyce and Martin J. Walsh for legislation relative to directing the State Board of Retirement to pay certain accidental death benefits to the surviving spouse of State Trooper Michael Brugman.

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 Public Service.

Severally sent to the House for concurrence.

Order Adopted.

On motion of Mr. Bernstein,—

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 thirteen minutes past eleven o'clock A.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.
