

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, April 8, 1999.

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

Appointments.

Notice was received that the President had made the following appointments to the Assembly on Federal Issues Committees established by the National Conference of State Legislature:

Senators Lynch of Suffolk, to the committee on Agriculture and International Trade, Magnani of Middlesex, Norfolk and Worcester, to the committee on Commerce and Communication, Antonioni of Worcester and Middlesex, to the committee on Education, Labor and Job Training, Panagiotakos of Middlesex, to the committee on Energy and Transportation, Fargo of Middlesex, to the committee on the Environment, Montigny of Bristol, to the committee on Federal Budget and Taxation, Moore of Worcester and Norfolk, to the committee on Health, Murray of Plymouth and Barnstable, to the committee on Human Services and Creem of Middlesex and Norfolk, to the committee on Law and Justice.

Petitions.

Petitions were presented and referred, as follows:

By Mr. Berry, a petition (subject to Joint Rule 12) of Frederick E. Berry, J. Michael Ruane and William G. Greene, Jr., for legislation to establish a sick leave bank for Benjamin Mabe, an employee of the Department of Mental Retardation;

By Mr. Clancy, a petition (subject to Joint Rule 12) of Edward J. Clancy, Jr., Robert F. Fennell and Thomas M. McGee for legislation relative to notification of certain safety hazards on school property;

By Mr. Lynch, a petition (subject to Joint Rule 12) of Stephen F. Lynch, Robert E. Travaglini, Martin J. Walsh, John A. Hart, Jr., and other members of the General Court for legislation relative to a public health study of the impacts of Logan International Airport; and

By Mr. Morrissey, a petition (subject to Joint Rule 12) of Michael W. Morrissey, Stephen F. Lynch, Marc R. Pacheco and Martin J. Walsh for legislation relative to the installation of electrical wiring;

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

Reports of Committees.

By Mr. Joyce, for the committee on Public Service, on petition (accompanied by bill, Senate, No. 1220), an Order relative to authorizing the joint committee on Public Service to sit during the recess of the General Court for the purpose of making an investigation and study of a certain current Senate document numbered 1220, relative to indemnification (Senate, No. 1756).

By the same Senator, for the same committee, on Senate, Nos. 1229, 1278 and 1295, an Order relative to authorizing the joint committee on Public Service to sit during the recess of the General Court for the purpose of making an investigation and study of certain current Senate documents numbered 1229, 1278, and 1295, relative to the administration, funding, and investments of retirement systems (Senate, No. 1757);

By the same Senator, for the same committee, on Senate, Nos. 1253, 1290, 1357 and 1369, an Order relative to authorizing the

joint committee on Public Service to sit during the recess of the General Court for the purpose of making an investigation and study of certain current Senate documents numbered 1253, 1290, 1357, and 1369, relative to group insurance and leave benefits (Senate, No. 1758);

By the same Senator for the same committee, on Senate, Nos. 1287, 1289 and 1342, an Order relative to authorizing the joint committee on Public Service to sit during the recess of the General Court for the purpose of making an investigation and study of certain current Senate documents numbered 1287, 1289, and 1342, relative to cost of living adjustments (Senate, No. 1759); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1332), an Order relative to authorizing the joint committee on Public Service to sit during the recess of the General Court for the purpose of making an investigation and study of Senate document numbered 1332 relative to personnel administration (Senate, No. 1760);

Severally read and, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Ms. Murray, for the committee on Human Services and Elderly Affairs, on petition, a Bill providing for Internet and network compatible computer equipment in senior centers (Senate, No. 599);

Red and, under Senate Rule 26A, referred to the Senate committee on Science and Technology.

By Mr. Magnani, for the Senate committee on Science and Technology, on petition, a Bill to provide for community and school technology (Senate, No. 1395);

By Mr. Norton, for the committee on Counties, on petition, a Bill relative to the establishment of a regional lock-up facility in Worcester County (Senate, No. 122);

By Ms. Murray, for the committee on Human Services and Elderly Affairs, on petition, a Bill requiring a determination of eligibility by the Division of Medical Assistance for applicants denied cash assistance (Senate, No. 595);

By the same Senator, for the same committee, on petition, a Bill relative to the adult foster care program (Senate, No. 614); and

By the same Senator, for the same committee, on petition, a Bill to protect nursing home eligibility (Senate, No. 624);

By Mr. Joyce, for the committee on Public Service, on petition, a Bill relative to certain health benefits for environmental police officers (Senate, No. 1219);

By the same Senator, for the same committee, on petition, a Bill establishing a sick leave bank for Charlotte Fischer, an employee of the Department of Mental Health (Senate, No. 1250);

By the same Senator, for the same committee, on petition, a Bill further regulating emergency medical technicians (Senate, No. 1263);

By the same Senator, for the same committee, on petition, a Bill relative to long term care insurance for state employees and retirees (Senate, No. 1272);

By the same Senator, for the same committee, on petition, a Bill relative to continuation of health insurance coverage for retired public employees (Senate, No. 1283);

By the same Senator, for the same committee, on petition, a Bill relative to insurance coverage for employees and retirees of the Commonwealth (Senate, No. 1285);

By the same Senator, for the same committee, on petition, a Bill establishing a sick leave bank for John B. Kelly, Jr., an employee of the Norfolk Sheriff's Department (Senate, No. 1302);

By the same Senator, for the same committee, on petition, a Bill to define leaves of absence for employees of the Commonwealth or its political subdivisions (Senate, No. 1359); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1271), a Bill providing for adjustment of the civil service seniority date of Thomas N. Scibelli (Senate, No. 1744);

By Ms. Walsh, for the committee on Taxation, on petition, a Bill providing for repayment of overpayment of Massachusetts personal income tax for Nicholas J. D'Angelo (Senate, No. 1580, changed in section 1, in lines 5 and 6 (as printed), by striking out the words "plus applicable interest,"); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1588), a Bill to exempt certain veterans from state tax (Senate, No. 1755);

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

By Ms. Creem, for the committee on Criminal Justice, on Senate, Nos. 139, 141 and 1751 and House, Nos. 1336, 1896 and 4162, a Bill relative to the crime of assault and battery (Senate, No. 1751);

By Ms. Murray, for the committee on Human Services and Elderly Affairs, on petition, a Bill relative to a technical correction to the state's assisted living laws (Senate, No. 583);

By Mr. Joyce, for the committee on Public Service, on petition, a Bill relative to the granting leave of pay for injuries sustained on the job as a police officer or firefighter (Senate, No. 1294); and

By the same Senator, for the same committee, on Senate, No. 1352 and House, No. 1477, a Bill to provide insurance for public safety personnel (Senate, No. 1352);

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

By Mr. Joyce, for the committee on Public Service, ought NOT to pass:

On the petition (accompanied by bill, Senate, No. 1211) of Robert A. Havern for legislation to clarify health insurance coverage for public school teachers;

On the petition (accompanied by bill, Senate, No. 1214) of Cheryl A. Jacques and Lida E. Harkins for legislation to authorize the Needham town meeting to approve a cost of living increase for members of the Needham contributory retirement system;

On the petition (accompanied by bill, Senate, No. 1243) of Richard Piper for legislation to require all state and municipal employees to be subject to periodic examinations by appoint authorities;
On the petition (accompanied by bill, Senate, No. 1244) of Richard Piper for legislation to require the periodic competency testing of all state environmental employees of the Commonwealth;
On the petition (accompanied by bill, Senate, No. 1245) of Richard Piper for legislation to require periodic physical and mental competency testing of all state and municipal firefighters in the Commonwealth;
On the petition (accompanied by bill, Senate, No. 1246) of Richard Piper for legislation to require periodic physical and mental competency testing of all state and municipal police officers in the Commonwealth;
On the petition (accompanied by bill, Senate, No. 1282) of Richard T. Moore, Timothy J. Toomey, Jr., the Retired State, County and Municipal Employees of Massachusetts, by Ralph W. White, president, and other members of the General Court for legislation relative to granting cost of living adjustments to non-contributory retirees;
On the petition (accompanied by bill, Senate, No. 1321) of Thomas C. Norton and the Massachusetts Police Association, by James M. Machado, for legislation relative to residency requirements for police and fire department personnel in cities and towns; and
On the petition (accompanied by bill, Senate, No. 1382) of Susan C. Tucker, David M. Nangle and James R. Miceli (by vote of the town) for legislation to authorize Gerald M. Cullen to take the civil service examination for the position of firefighter in the town of Tewksbury notwithstanding the maximum age requirement;
Severally referred, under Senate Rule 36, to the committee on Steering and Policy.

Mr. Brewer, for the committee on Steering and Policy, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill to provide local option for printing the annual report of the town on a fiscal year basis (Senate, No. 946).

PAPERS FROM THE HOUSE

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4213) of Kevin J. Murphy, Steven C. Panagiotakos, Thomas A. Golden, Jr., and David M. Nangle (with the approval of the city council) relative to amending the charter of the city of Lowell to provide for the abolition of term limits for elected public officials of said city;

To the committee on Election Laws.

Petition (accompanied by bill, House, No. 4239) of Stephen P. LeDuc (with the approval of the mayor and city council) that the licensing authority of the city of Marlborough be authorized to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises to the Marlborough Masonic Corporation;

To the committee on Government Regulations.

Petition (accompanied by bill, House, No. 4212) of James P. Jajuga and Arthur J. Broadhurst (with the approval of the town council) that the city known as the town of Methuen be authorized to grant certain easements to Portland Natural Gas Transmission System and Maritimes and Northeast Pipeline, L.L.C.;

To the committee on the Judiciary.

Petition (accompanied by bill, House, No. 4240) of Ruth W. Provost, Therese Murray, Demetrius J. Atsalis and Nancy J. Caffyn (by vote of the town) relative to the issuance of certain bonds by the town of Sandwich for the construction of a municipal golf course;

To the committee on Local Affairs.

Report of a Committee.

Mr. Montigny, for the committee on Ways and Means, on Senate, No. 275, reported, in part, a "Bill relative to the trustees of the University of Massachusetts" (Senate, No. 1753).

The bill was read. There being no objection, the rules were suspended, on motion of Ms. Melconian, and the bill (Senate, No. 1753) 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.

Resolutions.

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

Resolutions (filed by Mr. Brewer) "congratulating Colonel Reed Hillman of the Massachusetts State Police on the occasion of his retirement";

Resolutions (filed by Mr. Clancy) "congratulating Franklyn Sanchez of Lynn-Tech on winning the national scholastic championship two mile race";

Resolutions (filed by Mr. Morrissey) "recognizing the observance of Child Abuse Prevention Month";

Resolutions (filed by Mr. Morrissey) "on the seventy-fifth anniversary of the Merrymount Association, Inc., of Quincy";

Resolutions (filed by Mr. Pacheco) "honoring Thomas Chiappini upon his elevation to the rank of Eagle Scout";

Resolutions (filed by Mrs. Sprague) "congratulating Michael S. Messina, Jr., of Foxborough upon his elevation to the rank of Eagle Scout";
Resolutions (filed by Mrs. Sprague) "congratulating Matthew A. Rothwell of Sharon upon his elevation to the rank of Eagle Scout";
Resolutions (filed by Ms. Tucker) "commending the Greater Lawrence Community Action Council during Child Abuse Prevention Month"; and
Resolutions (filed by Ms. Walsh) "congratulating Deputy Chief Robert F. Krug on the occasion of his retirement from the Dedham Fire Department".

Petition.

On motion of Mr. Bernstein, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Glodis (accompanied by bill) of Guy W. Glodis, Dianne Wilkerson and John P. Fresolo for legislation to provide for community service in secondary schools,— **and the same was referred to the committee on Education, Arts and Humanities.**

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 Michael W. Morrissey and Joseph C. Sullivan for legislation to establish equitable education requirements for school nurses.

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 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 Brian P. Lees, Shannon P. O'Brien, Treasurer and Receiver-General, Daniel E. Bosley and Michael W. Morrissey for legislation to provide additional security to the Commonwealth's unclaimed check fund.

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 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 Charles E. Shannon, Vincent P. Ciampa, Steven C. Panagiotakos, Richard T. Moore and other members of the General Court for legislation to further regulate the siting of narcotic treatment programs in certain neighborhoods.

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 Health Care.

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 David P. Magnani and Cheryl A. Jacques (by vote of the town) for legislation to establish an open space acquisition trust fund and a traffic management trust fund in the town of Natick [Local approval received].

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 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 Amos Eaton for legislation to further regulate licenses to operate motor vehicles.

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 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 Henri S. Rauschenbach and Demetrius J. Atsalis for legislation relative to allowing the Barnstable County Special Sheriff reentry into the retirement system.

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.

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 Susan C. Tucker and David M. Nangle for legislation relative to the eligible list for appointment to the State Police.

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.

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 Charles E. Shannon, Therese Murray, Steven C. Panagiotakos, Richard T. Moore and other members of the General Court for legislation relative to real estate tax abatements.

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 Taxation. Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A Bill authorizing consideration of a certain ballot question at the April 26, 1999 annual election in the town of Ashby (House, No. 4226,— being a message from His Excellency the Governor),—was read.

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

Recess.

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

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill relative to the trustees of the University of Massachusetts (see Senate, No. 1753), 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 2 to 0.**

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

Subsequently, the bill, which originated in the Senate, 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.

Engrossed Bill.

An engrossed Bill authorizing consideration of a certain ballot question at the April 26, 1999 annual election in the town of Ashby (see House Bill, printed in House, No. 4226) (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 enacted, two-thirds of the members present having voted in the affirmative, 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. Knapik, at three minutes before twelve o'clock noon, the Senate adjourned to meet on the following Monday at eleven o'clock A.M.
