

**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, May 27, 1999.

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

### *Committee Changes.*

Notice was received that the President had announced the following changes to certain Senate standing committees and certain joint standing committees, on the part of the Senate, and the committees are established as follows:

*Senate Committee on Ethics* — Senators Tucker of Essex and Middlesex, Clancy of Essex, Lynch of Suffolk, Brewer of Worcester, Hampden, Hampshire and Franklin, Resor of Middlesex and Worcester and Sprague of Norfolk, Bristol and Plymouth.

*Senate Committee on Science and Technology* — Senators Magnani of Middlesex, Norfolk and Worcester, Fargo of Middlesex, Tolman of Middlesex and Suffolk, Creedon of Plymouth and Bristol, Resor of Middlesex and Worcester, Sprague of Norfolk, Bristol and Plymouth and Tarr of Essex and Middlesex.

*The Committee on Counties* — Senators Resor of Middlesex and Worcester, Moore of Worcester and Norfolk, Berry of Essex, Lynch of Suffolk, Panagiotakos of Middlesex and Sprague of Norfolk, Bristol and Plymouth.

*The Committee on Natural Resources and Agriculture* — Senators Pacheco of Plymouth and Bristol, Antonioni of Worcester and Middlesex, Fargo of Middlesex, Tucker of Essex and Middlesex, Resor of Middlesex and Worcester and Tarr of Essex and Middlesex.

### *Petitions.*

Petitions were presented and referred, as follows:

By Ms. Creem, a petition (subject to Joint Rule 12) of Cynthia S. Creem and Louis L. Kafka for legislation to establish a grant program for the development and updating of school curriculums;

By Mr. Morrissey, a petition (subject to Joint Rule 12) of Michael W. Morrissey, Daniel F. Keenan and Joseph C. Sullivan for legislation relative to exempting school nurses from certain educational requirements; and

By Ms. Tucker, a petition (subject to Joint Rule 12) of Susan C. Tucker, James R. Miceli and David M. Nangle (by vote of the town) for legislation relative to certain town ways in the town of Tewksbury [Local approval received];

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

### *Reports of Committees.*

By Ms. Murray, for the committee on Human Services and Elderly Affairs, that the Senate Bill relative to the zoning of child care facilities (Senate, No. 937),— ought to pass, with an amendment, substituting an "Order relative to authorizing the joint committee on Human Services and Elderly Affairs to sit during the recess of the General Court for the purpose of making an

investigation and study of Senate document numbered 937, relative to child care zoning" (Senate, No. 1802).

**Referred, under Senate Rule 26, to the committee on Steering and Policy.**

By Mr. Morrissey, for the committee on Government Regulations, on petition, a Bill to provide greater consumer protection powers to the Boards of Registration within the Division of Registration (Senate, No. 394);

By the same Senator, for the same committee, on petition, a Bill relative to the State Board of Building Regulations and Standards (Senate, No. 434);

By the same Senator, for the same committee, on petition, a Bill relative to veterans' preference in hawkers or peddlers licenses (Senate, No. 435); and

By the same Senator, for the same committee, on Senate, Nos. 349 and 351 and House, Nos. 1925 and 3245, a Bill providing for the licensing of home inspectors (Senate, No. 1800);

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

By Mr. Morrissey, for the committee on Government Regulations, on petition, a Bill relative to the practice of public accountancy (Senate, No. 368);

By the same Senator, for the same committee, on petition, a Bill providing for the annual inspection of schools, churches, hospitals, theatres, arenas and other public buildings by gas corporations in the Commonwealth (Senate, No. 389);

By the same Senator, for the same committee, on petition, a Bill pertaining to emergency telecommunications (Senate, No. 400); and

By the same Senator, for the same committee, on petition, a Bill relative to residency requirements for a fortune teller's license (Senate No. 414);

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

By Mr. Tolman, for the committee on Local Affairs, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 960) of Bruce E. Tarr for legislation to promote housing production on existing ways;

**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 matters be placed in the Orders of the Day for the next session:

The Senate bills

Authorizing the Tri-County Regional Technical School District to transfer land to the town of Franklin (Senate, No. 943);

Relative to the leasing of certain property by the towns of Groveland, Merrimac and West Newbury (Senate, No. 957); and

Relative to appointments to police service (Senate, No. 1236); and

The Senate report of the committee on Public Safety, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 1107) of James P. Jajuga, Kevin L. Finnegan, Paul C. Casey and other members of the General Court for legislation relative to police pursuits.

### ***Committee Discharged.***

Mr. Tolman, for the committee on Local Affairs, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 930) of Stephen M. Brewer, Harold M. Lane, Jr., and Arthur F. LeBlanc for legislation to authorize cities and towns to expand the powers of animal control officers,— and recommending that the same be referred to the committee on Counties.

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

**Sent to the House for concurrence.**

### **PAPERS FROM THE HOUSE.**

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4348) of Thomas J. O'Brien and Therese Murray (by vote of the town) that the town of Kingston be authorized to release a certain easement under the care and control of the conservation commission of said town;

**To the committee on Local Affairs.**

Petition (accompanied by bill, House, No. 4349) of Michael J. Albano (mayor), Benjamin Swan, Gale D. Candaras, Cheryl A. Rivera, Mary S. Rogeness and Paul E. Caron (with the approval of the mayor and city council) that the city of Springfield be authorized to increase certain retirement allowances paid to former employees of said city;

**To the committee on Public Service.**

Reports

Of the committee on Human Services and Elderly Affairs, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 260) of Angelo M. Scaccia relative to providing appropriate medical care for persons in mental health facilities;

Of the petition (accompanied by bill, House, No. 261) of Angelo M. Scaccia that the Division of Capital Asset Management and Maintenance be directed to conduct a study of the feasibility of converting the Lemuel Shattuck Hospital into a life care center for long term elderly care;

Of the petition (accompanied by bill, House, No. 452) of Angelo M. Scaccia for legislation to provide services for medically ill and mentally ill persons;

Of the petition (accompanied by bill, House, No. 1202) of Rosaire J. Rajotte for legislation to provide for the construction of a soldiers' home in Worcester County;

Of the petition (accompanied by bill, House, No. 1749) of Kevin W. Fitzgerald, Elizabeth A. Malia, Antonio F. D. Cabral, Ellen Story and Mark C. Montigny relative to cash benefits under the law concerning transitional assistance for families with dependent children; and

Of the petition (accompanied by bill, House, No. 2130) of Evelyn G. Chesky, Michael R. Knapik and Walter A. DeFilippi relative to maintenance of the outpatient pharmacy of the Soldiers' Home in Holyoke;

And recommending that the same severally be referred to the House committee on Ways and Means.

**Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence, inasmuch as relates to the discharge of the joint committee.**

A Bill designating Route 138 in the town of Stoughton as the Veterans of Foreign Wars memorial highway (House, No. 4303,— on petition),— was read.

There being no objection, the rules were suspended, on motion of Mrs. Sprague, and the bill was read a second time.

Pending the question on ordering the bill to a third reading, Mrs. Sprague moved that the bill be amended 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 to authorize forthwith the designation of a certain state highway in the town of Stoughton, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."*

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

**Sent to the House for concurrence in the amendment.**

### ***Resolutions.***

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

Resolutions (filed by Ms. Jacques, Messrs. Brewer and Clancy, Ms. Creem, Ms. Fargo, Messrs. Glodis, Jajuga, Lees, Lynch and Moore, Ms. Murray, Mr. Norton, Ms. Resor, Messrs. Rosenberg and Shannon, Mrs. Sprague, Messrs. Tarr, Travaglini and Tisei and Ms. Wilkerson) "urging the Massachusetts Congressional delegation to support the creation of an airline passenger bill of rights";

Resolutions (filed by Mr. Magnani) "congratulating Grace Corrigan";

Resolutions (filed by Mrs. Sprague) "congratulating Basil Cronin on his retirement from coaching";

Resolutions (filed by Mrs. Sprague) "congratulating Peter Elefterakis on the occasion of his retirement";

Resolutions (filed by Mrs. Sprague) "on the occasion of the dedication of the Donald E. Andrews Intersection";

Resolutions (filed by Mrs. Sprague) "on the occasion of the dedication of the Robert L. Barrett Intersection";

Resolutions (filed by Mrs. Sprague) "on the occasion of the dedication of the Cornelius A. Crimmins Intersection"; and

Resolutions (filed by Mrs. Sprague) "on the occasion of the dedication of the Duncan R. Fleming Intersection."

### **PAPERS FROM THE HOUSE.**

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4365) of Peter J. Koutoujian and Paul C. Casey relative to the incarceration of juveniles prior to arraignment on criminal charges;

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

Petition (accompanied by bill, House, No. 4366) of Thomas M. Petrolati, Stephen M. Brewer and Stephen Kulik that the Teachers' Retirement Board be directed to grant creditable service to Morris Frank for service outside of the Commonwealth;

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

### ***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 Senate report of the committee on Public Service, ought NOT to pass, 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,— was considered, the question being on accepting it.

On motion of Ms. Tucker, the report was amended by substituting a "Bill authorizing Gerald M. Cullen to take a civil service

examination for the position of firefighter in the town of Tewksbury notwithstanding the maximum age requirement" (Senate, No. 1382); and the bill was read.

**On further motion of the same Senator, the rules were suspended, and the bill 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.**

The Senate Bill establishing Scantic Valley Water District (Senate, No. 1724),— **was read a second time and ordered to a third reading, read a third time and passed to be engrossed.**

**Sent to the House for concurrence.**

#### **PAPER FROM THE HOUSE.**

A Bill authorizing certain terms for borrowing by the town of Sandwich for constructing a golf course (House, No. 4240,— on petition) [Local approval received],— was read.

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

#### ***Bill Previously Recalled from the Governor***

##### ***Laid Before the Senate.***

The engrossed Bill providing for the election of a town clerk in the town of Belchertown (see House, No. 4172) which, at a previous session, had been returned by His Excellency the Governor, at the request of the Senate,— was laid before the Senate. There being no objection, on motion of Mr. Tolman, the Senate reconsidered the vote by which, at a previous session, it had passed the bill to be enacted.

On motion of the same Senator, Senate Rule 49 was suspended.

An amendment, presented by Mr. Brewer, striking out all after the enacting clause and inserting in place thereof the following text:—

"SECTION 1. Chapter 353 of the acts of 1993 is hereby repealed.

SECTION 2. The town clerk of the town of Belchertown shall be elected for a term of not more than three years.

SECTION 3. Notwithstanding the provisions of sections 1 and 2, the incumbent in the office of town clerk on the effective date of this act shall continue to hold said office and perform the duties thereof until the expiration of the term for which said individual was appointed and the election and qualification of a successor or until said incumbent otherwise vacates such office.

SECTION 4. This act shall take effect upon its passage.",— was read and adopted.

**Sent to the House for concurrence in the amendment.**

##### ***Report of a Committee.***

By Mr. Tolman, for the committee on Local Affairs, on petition, a Bill relative to the Somerville budget (Senate, No. 1793) [Local approval received],— was read.

**There being no objection, the rules were suspended, on motion of Mr. Shannon, and the bill 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.**

#### **PAPER FROM THE HOUSE.**

##### ***Committee of Conference Report.***

The committee of conference on the disagreeing votes of the town branches, with reference to the Senate amendments to the House Bill making appropriations for the fiscal year nineteen hundred and ninety-nine to provide for supplementing certain existing appropriations and certain other activities and projects (House, No. 4261) (*amended by the Senate* by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 1784; and by inserting before the enacting clause an emergency preamble), reported, in part, a "Bill making appropriations for the fiscal year 1999 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4336)."

**The report was read, considered forthwith and accepted, in concurrence.**

***Recess.***

There being no objection, at nineteen minutes past eleven o'clock A.M., the President declared a recess subject to the call of the Chair; and, at fourteen minutes past twelve o'clock noon, the Senate reassembled, 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).

#### PAPERS FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill authorizing certain terms for borrowing by the town of Sandwich for constructing a golf course (see House, No. 4240) (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 and was signed by the Acting President and laid before the Governor for his approbation.**

#### *Emergency Preambles Adopted.*

An engrossed Bill making appropriations for the fiscal year 1999 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4336), 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 Acting President and sent to the House for enactment.**

An engrossed Bill designating Route 138 in the town of Stoughton as the Veterans of Foreign Wars memorial highway (see House, No. 4303), 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 Acting President and sent to the House for enactment.**

#### *Recess.*

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

#### PAPERS FROM THE HOUSE.

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:

Designating Route 138 in the town of Stoughton as the Veterans of Foreign Wars memorial highway (see House, No. 4303); and Making appropriations for the fiscal year 1999 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4336).

#### *Order Adopted.*

On motion of Mrs. Sprague,—

*Ordered*, That when the Senate adjourns today, it adjourn to meet again on Tuesday 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. Tisei, at twenty-four minutes past twelve o'clock noon, the Senate adjourned to meet on the following Tuesday at eleven o'clock A.M.

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