

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, June 5, 2000.

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

Communication.

A communication from the Minority Leader announcing his resignation from the special commission established (pursuant to section 17 of chapter 55A of the general Laws) on Clean Elections and his appointment of Senator Tarr of First Essex and Middlesex to said commission,— **was placed on file.**

Petition.

Mr. Tarr presented a petition (subject to Joint Rule 12) of Bruce E. Tarr, James R. Miceli and Charles A. Murphy (by vote of the town) for legislation to authorize Edward P. Sheridan to take a civil service examination for the position of police officer in the town of Wilmington notwithstanding the maximum age requirements [Local approval received],— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Reports of a Committee.

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

Relative to dental referral services (House, No. 3652, amended); and

Relative to the use of alternative dispute resolution (House, No. 4970, amended).

Committees Discharged.

Ms. Melconian, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration of the Senate Order relative to authorizing the joint committee on Insurance to sit during the recess of the General Court for the purpose of making an investigation and study of Senate documents numbered 2198 and 2203, relative to insurance regulation (Senate, No. 2209),— and recommending that the same be referred to the Senate committee on Rules. **Under Senate Rule 36, the report was considered forthwith and accepted.**

Ms. Melconian, for the committee on Rules, to whom was referred the Senate Order relative to authorizing the joint committee on Commerce and Labor to sit during the recess of the General Court for the purpose of making an investigation and study of certain current Senate documents (Senate, No. 2010), reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 56) of Stephen F. Lynch, Eugene L. O'Flaherty, Robert M. Koczera, Richard T.

Moore and other members of the General Court for legislation to provide benefits for permanent functional loss and disfigurement under the workmen's compensation law,— and recommending that the same be recommitted to the committee on Commerce and Labor.

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

PAPERS FROM THE HOUSE.

Messages were referred, in concurrence, as follows:

Message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the action taken at the special town election held in the town of Acushnet on February 29, 2000 (House, No. 5207);

To the committee on Election Laws.

Message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the amendments to the Constitution) recommending legislation relative to validating the acts and proceedings of the 2000 annual town meeting of the town of Randolph (House, No. 5208); and

Message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to authorizing the town of Mansfield to use certain conservation land for road and bridge purposes (House, No. 5209);

Severally to the committee on Local Affairs.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5212) of Jay R. Kaufman, Susan C. Fargo and Robert A. Havern (by vote of the town) relative to the non-criminal disposition of violations by the historic districts commission in the town of Lexington;

To the committee on Local Affairs.

Petition (accompanied by bill, House, No. 5213) of Shirley Gomes and Henri S. Rauschenbach (by vote of the town) relative to authorizing the town of Chatham to assess betterments for certain road improvements in said town;

To the committee on Taxation.

A Bill providing for the entry of the Commonwealth into the interstate emergency management assistance compact (printed as Senate, No. 1146, amended,— on Senate, No. 1146 and House, No. 159),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Bills

Relative to the review of certain condominium financial reports (House, No. 1954,— on petition); and

Relative to the possession, transport, use or placement of a hoax device (House, No. 3423,— on Senate, No. 199 and House, No. 3423);

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

A Bill relative to the enterprise fund for the golf course in the town of Brewster (House, No. 4950,— on House, Nos. 4950 and 4968) [Local approval received on House, No. 4950],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Notice was received that the Speaker had announced the reappointment (under Section 6 of Chapter 3 of the General Laws) of Donna Finneran of Boston and Dr. Helen Jackson of Brookline, each for a term of one year, to the Commission on the Status of Women.

Resolutions.

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

Resolutions (filed by Ms. Jacques) “congratulating Ellinor Harkins on the occasion of her retirement”;

Resolutions (filed by Ms. Jacques and Mr. Magnani) “congratulating Phyllis Fahey upon her selection as Senior Woman of the Year by the Natick Council on Aging”;

Resolutions (filed by Ms. Jacques and Mr. Magnani) “congratulating Peter Lane upon his selection as Senior Man of the Year by the Natick Council on Aging”;

Resolutions (filed by Mr. Morrissey) “congratulating Eileen Feeney on the occasion of her retirement”; and

Resolutions (filed by Mrs. Sprague) “congratulating Walter Roach on the occasion of his retirement”.

Petitions.

On motion of Mr. Clancy, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Creedon (accompanied by bill) of Robert S. Creedon, Jr., and Geraldine Creedon for legislation relative to increasing the number of Plymouth county assistant clerk magistrates,— **and the same was referred to the committee on the Judiciary.**

On motion of Mr. Jajuga, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Creedon (accompanied by bill) of Robert S. Creedon, Jr., and Geraldine Creedon for legislation relative to tax exemption of sales of molds and machinery producing mold components in the manufacturing process,— **and the same was referred to the committee on Taxation.**

On motion of Mr. Moore, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Nuciforo (accompanied by bill) of Andrea F. Nuciforo, Jr., for legislation relative to placement of antennas on Mount Everett within the town of Mount Washington,— **and the same was referred to the committee on Government Regulations.**

On motion of Mr. Bernstein, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Nuciforo (accompanied by bill) of Andrea F. Nuciforo, Jr., and Shaun P. Kelly (by vote of the town) for legislation to establish the Becket Woods Road and Maintenance District in the town of Becket [Local approval received],— **and the same was referred to the committee on Local Affairs.**
Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

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 Taxation be granted until Wednesday, June 14, 2000, the time within which to make its final report on current House document numbered 1490, relative to the taxation of certain military organizations.

A Bill validating the results of the annual town election held in the town of Hubbardston (printed in House, No. 4439,— being a message from His Excellency the Governor),— was read.

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

Engrossed Bill.

An engrossed Bill prohibiting certain claims against escrow agents (see House, No. 5002, 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 enacted and was signed by the President and laid before the Governor for his approbation.**

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5214) of Peter J. Larkin and Stephen F. Lynch for legislation to further regulate secured transactions under the Uniform Commercial Code;

Under suspension of Joint Rule 12, to the committee on Commerce and Labor.

Petition (accompanied by bill, House, No. 5215) of John H. Stasik relative to the recertification of teachers; and

Petition (accompanied by bill, House, No. 5216) of John H. Stasik for legislation to prohibit meetings of the Board of Education during regular public school hours;

Severally, under suspension of Joint Rule 12, to the committee on Education, Arts and Humanities.

Petition (accompanied by bill, House, No. 5217) of John H. Stasik relative to defective hearing notices concerning zoning by-laws; and

Petition (accompanied by bill, House, No. 5218) of Ellen Story (by vote of the town) relative to authorizing the town of Amherst to control rents in certain governmentally or former governmentally involved housing in said town;

Severally, under suspension of Joint Rule 12, to the committee on Local Affairs.

Petition (accompanied by bill, House, No. 5219) of Robert S. Hargraves and Steven C. Panagiotakos relative to authorizing the Division of Capital Asset Management and Maintenance to convey certain easements in land in the towns of Groton and Pepperell;

Petition (accompanied by bill, House, No. 5220) of Harold P. Naughton, Jr., William J. McManus II and Robert A. Bernstein (by vote of the town) relative to authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land located in the town of West Boylston to said town; and

Petition (accompanied by bill, House, No. 5221) of James E. Vallee (with the approval of the town council) relative to authorizing the city known as the town of Franklin to convey a certain parcel of land in said city to Metacomet Land Trust, Inc., notwithstanding the provisions of the uniform procurement law;

Severally, under suspension of Joint Rule 12, to the committee on State Administration.

Matter Taken Out of the Orders of the Day.

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

The Senate Bill to facilitate the viability of Hale Hospital (Senate, No. 2022),— was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Jajuga moved that the bill be amended in section 5, by striking out the sentence in lines 46 to 48, inclusive, and inserting in place thereof the following sentence:— “Such board members and employees shall not by so serving violate section 17 or 19 of chapter 268A of the General Laws, and section 20 of said chapter 268A shall not apply with respect to any interest such board member or employee may have with regard to any contract between the city and any such organization entered into within the scope of this section where such interest arises because of an appointment made pursuant to this section.”; by striking out the sentence in lines 69 to 71, inclusive, and inserting in place thereof the following sentence:— “Such board members and employees shall not by so serving violate section 17 or 19 of chapter 268A of the General Laws, and section 20 of said chapter 268A shall not apply with respect to any interest such board member or employee may have with regard to any contract between the city and any such organization entered into within the scope of this section where such interest arises because of an appointment made pursuant to this section.”; by striking out the sentence in lines 131 to 133, inclusive, and inserting in place thereof the following sentence:— “Such board members and employees shall not by so serving violate section 17 or 19 of chapter 268A of the General Laws, and section 20 of said chapter 268A shall not apply with respect to any interest such board member or employee may have with regard to any contract between the city and any such organization entered into within the scope of this section where such interest arises because of an appointment made pursuant to this section.”; and by striking out the two paragraphs in lines 326 to 361, inclusive, and inserting in place thereof the following paragraph:—

“Section 6H. In order to promote the hospital’s ability to compete more effectively in the health care marketplace, and in furtherance of the other purposes of this act, notwithstanding sections 23A to 23C, inclusive, of chapter 39 of the General Laws applicable to meetings of the board of any of its committees, and section 10 of chapter 66 of the General Laws relating to the availability of public records as defined in clause Twenty-sixth of section 7 of chapter 4 of the General Laws, all writings and other records concerning the following shall not be deemed to be public records for the purposes of said section 10, and executive sessions may be held concerning the following: rates and charges; contracts and other arrangements with health care purchasers or with health care systems, or a constituent or affiliate thereof, with which the hospital is affiliated or is proposing to affiliate, including contracts relating to clinical service arrangements; medical records; and marketing strategies, strategic plans or other plans, analyses, evaluations, data or programs, if disclosure is deemed by the board to be likely to give an unfair competitive or bargaining advantage to any person or entity. This section shall not be construed to modify the provisions of the statutes cited in this paragraph as they otherwise apply to records, meeting and deliberations of the city council affecting the hospital, except that meetings and deliberations of the city council relating to its taking actions with respect to the hospital entering into affiliation arrangements, as provided in subsection (a) of section 12 may be in executive session, and all writings and other records provided to the hospital or to the city council by a health care system with which affiliation is under consideration by the hospital and the city council shall not be deemed to be public records for purposes of said section 10. Notwithstanding the foregoing, the seventh paragraph of section 23B of chapter 39 of the General Laws, relating to the records of and votes taken in executive sessions, shall apply to the records of and votes taken in executive sessions held by the board or any of its committees, or of the city council, with regard to any of the subject matters identified in this section for which executive sessions may be held. This section shall not be deemed to prevent access by an agency of the commonwealth to records of the hospital to which it would otherwise be entitled under other provisions of general or special law.”

This amendment was adopted.

The bill (Senate, No. 2214, printed as amended), was then passed to be engrossed.

Sent to the House for concurrence.

Report 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 Cheryl A. Jacques, David T. Donnelly, Carol A. Donovan, Cory Atkins and other members of the General Court for legislation relative to correcting the incest statute.

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

Sent to the House for concurrence.

Order Adopted.

On motion of Ms. Melconian,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Wednesday 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. Rauschenbach, at ten minutes past eleven o'clock A.M., the Senate adjourned to meet on the following Wednesday at eleven o'clock A.M.
