

**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 12, 2000.

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

### *Distinguished Guests.*

The President introduced, seated in gallery, 5th grade students from the South Memorial School in Peabody. The students were accompanied by their teachers, Mrs. Newberg, Mr. Higgins and Mrs. Sakalakis. Among the students was Bridget McGinn, daughter of John McGinn, fiscal director in the office of the Senate President. They were the guests of Senate President Birmingham.

### *Reports of Committees.*

By Mr. Antonioni, for the committee on Education, Arts and Humanities, on Senate, Nos. 261, 264, 288 and 1774 and House, Nos. 2667 and 3440, a Bill establishing the community service-learning initiative of Massachusetts (Senate, No. 2215);

By Mr. Bernstein, for the committee on Insurance, on petition, a Bill providing access to health insurance contracts (Senate, No. 2188); and

By Mr. Joyce, for the committee on Public Service, on the recommitted petition, a Bill relative to the classification of a certain position in the town of Mashpee (printed as House, No. 4372) [Local approval received];

**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 certain sewer betterments in the city of Gloucester (Senate, No. 2204) [Local approval received];

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

The House Bill relative to the management of savings banks and tax escrow requirements of certain mortgages (House, No. 5189).

### PAPERS FROM THE HOUSE.

A Bill authorizing the conservation commission of the town of Ashland to impose certain fees (House, No. 4045,— on petition) [Local approval received],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

*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 Wednesday, July 5, 2000, the time within which to make its final report on current House documents numbered 2543, 5092, 5112, 5188, 5122 and 5142.

### ***Resolutions.***

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

Resolutions (filed by Mr. Brewer) “in recognition of Brendan J. MacDonnell for his tireless efforts on behalf of the Palmer public schools”; and

Resolutions (filed by Mr. Morrissey) “congratulating Kristin Marie O’Keefe.”

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

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5240) of Cory Atkins and Pamela P. Resor (by vote of the town) relative to establishing the Acton economic development and industrial corporation;

**Under suspension of Joint Rules 12 and 9, to the committee on Commerce and Labor.**

Petition (accompanied by bill, House, No. 5239) of Colleen M. Garry and Susan C. Tucker relative to authorizing the board of water commissioners of the Dracut Water Supply District to place certain questions on the ballots for regular district elections;

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

### ***Engrossed Bills.***

An engrossed Bill validating the acts and proceedings at certain town meetings of the town of Chilmark (see House Bill, printed in House, No. 4182) (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.**

An engrossed Bill relative to the composition of the licensing board of the city known as the town of Watertown (see House, No. 4421, 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.**

### ***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 House Bill relative to the powers of the licensing authority of the town of Brookline (House, No. 4512),— **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 expanding the powers of the licensing authority of the town of Brookline.”**

### ***Reports of a Committee.***

By Mr. Montigny, for the committee on Ways and Means, that the Senate Bill creating a municipal police training committee (Senate, No. 1164, changed),— ought to pass, with an amendment, substituting a new draft with the same title (Senate, No. 2221).

**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. 2221) was then 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 located in the towns of Becket and Otis in exchange for certain other land located in the town of Otis (Senate, No. 1458),— 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 located in the towns of Becket and Otis in exchange for certain land located in the town of Otis” (Senate, No. 2222).

**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. 2222) was then ordered to a third reading.**

By Mr. Montigny, for the committee on Ways and Means, that the Senate Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land located in the city of Boston (Senate, No. 1982),— ought to pass.

**The rules were suspended, on motion of Mrs. Sprague, 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 House Bill including the West Groton Mill within the Ayer economic target area and the economic opportunity area (printed in House, No. 4620),— ought to pass.

**The rules were suspended, on motion of Ms. Melconian, 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 House Bill relative to public bonds (House, No. 5051),— ought to pass.

**The rules were suspended, on motion of Mr. Tarr, 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 House Bill relative to the contributory retirement system for public employees (House, No. 5110),— ought to pass.

**The rules were suspended, on motion of Mr. Brewer, and the bill was read a second time and ordered to a third reading.**

### ***Matters Taken Out of the Orders of the Day.***

The Senate report of the committee on Public Safety, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 1116) of Brian P. Lees, Dennis M. Murphy and Elizabeth A. Malia for legislation relative to the enforcement of the seat belt law,— was considered, the main question being on accepting the report of the committee.

**On motion of Ms. Resor, the further consideration thereof was postponed until Wednesday, June 14.**

The Senate Resolutions opposing United States naval activities on the island of Vieques (Senate, No. 2183),— were considered.

**Pending the motion to lay the resolutions on the table, and pending the main question on adoption of the resolutions, on motion of Ms. Melconian, the further consideration thereof was postponed until Wednesday, June 14.**

### ***Recess.***

There being no objection, at thirteen minutes past eleven o'clock A.M., the President declared a recess subject to the call of the Chair; and, at twenty-three minutes before five o'clock P.M., the Senate reassembled, Ms. Melconian in the Chair.

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

The House Bill authorizing the Massachusetts Water Resources Authority to enter into a contract with the New England Center for Children, Inc. (House, No. 5023),— came from the House with the endorsement that the House had concurred in the Senate amendment (as corrected by B. T. R.):

“Said contract may permit said authority to charge said center for all expenses and costs of connection and for sewer services it provides to said center and shall contain other terms and conditions applicable to the connection and for the provision of sewer services as determined by said authority. The political subdivision, if any, may charge said center for the use of its sewer system to convey sewage to said authority’s sewer system. Nothing in this act shall grant to the town of Southborough any rights to receive sewer services from said authority or otherwise cause said town to have any of the rights or obligations of the political subdivisions listed in said paragraph (c) of said section 8 of said chapter 372”,— *with a further amendment* striking out the text contained therein and inserting in place thereof the following:

“Said contract shall include provisions to charge said center for all expenses and costs of connection and for sewer services said authority provides to said center and shall contain other terms and conditions applicable to the connection and for the provision of sewer services as determined by said authority. The political subdivision, if any, shall charge said center for the use of its sewer system to convey sewage to said authority’s sewer system. Nothing in this act shall grant to the town of Southborough any rights to receive sewer services from said authority or otherwise cause said town to have any of the rights or obligations of the political subdivisions listed in said paragraph (c) of said section 8 of said chapter 372.”.

**The rules were suspended, on motion of Ms. Resor, and the House amendment was considered forthwith and adopted, in concurrence.**

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

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendments to the House Bill providing for an accelerated transportation development and improvement program for the Commonwealth

(House, No. 4865, amended) (*amended by the Senate* by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2102; striking out the title and inserting a new title entitled “An Act providing for an accelerated transportation development and improvement program for the Massachusetts Bay Transportation Authority”; and 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 provide forthwith for an accelerated transportation development and improvement program for the Massachusetts Bay Transportation Authority, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”), recommending that the House concur with the Senate in its amendment striking out all after the enacting clause and inserting a new text, *with a further amendment* striking out all after the enacting clause and inserting in place thereof the text of House document numbered 5241; and recede from its non-concurrence with the Senate in its amendments striking out the title and inserting in place thereof a new title and inserting an emergency preamble.

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

***Order Adopted.***

On motion of Ms. Resor,—

*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. Tarr, at twenty-one minutes before five o’clock P.M., the Senate adjourned to meet on the following Wednesday at eleven o’clock A.M.

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