

**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 28, 1999.

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

### *Communications.*

The following communications were severally placed on file:

Communication from the Massachusetts Commission on the Status of Women (under the provisions of Section 1 of Chapter 138 of the Acts of 1998) submitting a copy of its fiscal year 1999 report (received Wednesday, June 2, 1999);

Communication from the Executive Office of Health and Human Services, Division of Medical Assistance (under the provisions of Section 9B of Chapter 118E of the General Laws) submitting a reallocation plan relative to the transfer of funds (received Friday, June 11, 1999); and

Communication from the school committee of the city of Westfield (under the provisions of Section 7 of Chapter 150E of the General Laws) submitting copies of collective bargaining agreements reached between said school committee and the Westfield Lunch Association, Westfield Education Association (Unit D, MTA/NEA) and the Westfield Public School Custodian Association (received Friday, June 18, 1999); copies having been transmitted to the Senate Committee on Ways and Means.

### *Petition.*

Ms. Creem presented a petition (subject to Joint Rule 12) of Cynthia Stone Creem for legislation to protect state fire investigators retirement benefits due to disability or death caused by diseases of lungs or respiratory tract,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

### *Reports of Committees.*

By Ms. Creem, for the committee on Criminal Justice, on Senate, Nos. 137, 138, 140, 142, 144, 145, 149, 150, 152, 153, 154, 156, 157, 160, 162, 163, 165, 166, 167, 168, 170, 171, 172, 173, 174, 175, 176, 177, 181, 182, 183, 185, 186, 188, 191, 192, 193, 194, 195, 196, 197, 200, 201, 203, 204 and 857, an Order relative to authorizing and directing the joint committee on Criminal Justice to make an investigation and study of various Senate documents relative to criminal justice issues (Senate, No. 1884).

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 198), an Order relative to authorizing and directing the joint committee on Criminal Justice to make an investigation and study of Senate document numbered 198, relative to establishing sentencing guidelines (Senate, No. 1885);

By the same Senator, for the same committee, on Senate, No. 189 and House, Nos. 1515, 2481 and 4159, an Order relative to authorizing and directing the joint committee on Criminal Justice to make an investigation and study of Senate and House documents relative to criminal street gang activity (Senate, No. 1887); and

By the same Senator, for the same committee, on House, Nos. 201, 2468, Appendix C and 2468, Appendix D, an Order relative to authorizing and directing the joint committee on Criminal Justice to make an investigation and study of various House documents relative to racketeering activity (Senate, No. 1888);

By Mr. Glodis, for the committee on Election Laws, on petition (accompanied by bill, Senate, No. 324), an Order relative to authorizing the joint committee on Election Laws to sit during the recess of the General Court for the purpose of making an investigation and study of Senate document numbered 324, relative to voting list access (Senate, No. 1870); and

By the same Senator, for the same committee, on Senate, Nos. 318, 321, 323 and 327, an Order relative to authorizing the joint committee on Election Laws to sit during the recess of the General Court for the purpose of making an investigation and study of various Senate documents, relative to election matters (Senate, No. 1871);

By Mr. Moore, for the committee on Health Care, on Senate, Nos. 388, 427, 438, 439, 441, 444, 445, 447, 451, 452, 453, 454, 455, 457, 461, 463, 467, 477, 486, 488, 491, 493, 496, 498, 507, 508, 509, 511, 513, 517, 518, 519, 520, 521, 524, 529, 531, 532, 537, 540, 607 and 1334, an Order relative to authorizing the joint committee on Health Care to make an investigation and study of various Senate documents relative to health care (Senate, No. 1874);

By Mr. Panagiotakos, for the committee on Housing and Urban Development, on petition (accompanied by bill, Senate No. 556), an Order relative to authorizing the joint committee on Housing and Urban Development to make an investigation and study of Senate document numbered 556, relative to the operation and provision of assisted living services in the Commonwealth (Senate, No. 1882);

By Mr. Creedon, for the committee on the Judiciary, on Senate, Nos. 742, 743, 751, 779, 785, 786, 805, 808, 820, 828, 842, 843, 844, 865, 866, 871, 884, 885, 898, 905, 916, 924 and 928, an Order authorizing the joint committee on the Judiciary to make an investigation and study of Senate documents relative to abortion, evidence, court jurisdiction, abuse and protection orders, medical records and various other matters (Senate, No. 1886);

By Mr. Joyce, for the committee on Public Service, on Senate, Nos. 1206, 1207, 1210, 1226, 1247, 1248, 1259, 1305, 1308, 1326, 1355, 1361, 1380, 1384 and 1716, an Order relative to authorizing and directing the joint committee on Public Service to make an investigation and study of various Senate documents relative to creditable service issues (Senate, No. 1879);

By the same Senator, for the same committee, on Senate, Nos. 1183, 1184, 1197, 1198, 1205, 1224, 1228, 1242, 1249, 1258, 1291, 1292, 1303, 1310, 1313, 1314, 1346, 1351 and 1769, an Order relative to authorizing and directing the joint committee on Public Service to make an investigation and study of various Senate documents relative to creditable service (Senate, No. 1878); and

By Ms. Walsh, for the committee on Taxation, on Senate, Nos. 560, 617, 1420, 1495, 1500, 1502, 1505, 1506, 1507, 1508, 1509, 1510, 1513, 1514, 1515, 1517, 1518, 1519, 1520, 1521, 1522, 1529, 1531, 1532, 1536, 1537, 1538, 1541, 1542, 1544, 1545, 1547, 1548, 1549, 1550, 1551, 1554, 1558, 1561, 1563, 1572, 1573, 1575, 1576, 1577, 1582, 1586, 1589, 1590, 1591, 1594, 1595, 1603, 1605, 1607, 1608, 1609, 1613, 1616, 1619, 1620, 1621, 1623, 1624, 1628, 1630, 1633, 1634, 1635, 1637, 1638, 1641, 1643, 1644, 1646, 1649, 1651, 1653, 1658, 1661 and 1738, an Order authorizing and directing the joint committee on Taxation to make an investigation and study of various Senate documents relative to excise, income, property and sales taxes (Senate, No. 1883);

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

By Mr. Creedon, for the committee on the Judiciary, on petition, a Bill relative to child support and custody (Senate, No. 833);

**Read and, under Joint Rule 29, referred to the committees on Rules of the two branches, acting concurrently.**

By Mr. Bernstein, for the committee on Insurance, on Senate, Nos. 652, 680 and 690, a Bill providing for breast reconstruction after mastectomy (Senate, No. 680); and

By the same Senator, for the same committee, on petition, a Bill relative to insurance coverage for occupational therapy services (Senate, No. 688);

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

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

Relative to the practice of public accountancy (Senate, No. 368);

Providing for the annual inspection of schools, churches, hospitals, theatres, arenas and other public buildings by gas corporations in the Commonwealth (Senate, No. 389);

Pertaining to emergency telecommunications (Senate, No. 400);

Relative to residency requirements for a fortune teller's license (Senate, No. 414);

Relative to the zoning of child care facilities (Senate, No. 937) (the committee on Human Services and Elderly Affairs having recommended that the bill be amended by 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);

Establishing the Blackstone Valley heritage district and commission (Senate, No. 1023); and

Relative to the use of out-of-state motor vehicle licenses as valid identification (Senate, No. 1150); and

The Senate report of 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.

### ***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 Public Safety to make an investigation of House document numbered 708, relative to the membership of the State Boxing Commission (Senate, No. 1858);

Of the Senate Order relative to authorizing the joint committee on Public Safety to make an investigation of Senate documents relative to armored car guards (Senate, No. 1859);

Of the Senate Order relative to authorizing the joint committee on the Judiciary to sit during the recess of the General Court for the purpose of making an investigation and study of certain Senate documents relative to judicial issues (Senate, No. 1861);

Of the Senate Order relative to authorizing the joint committee on the Judiciary to make an investigation and study of various Senate documents pertaining to certain judicial matters (Senate, No. 1862);

Of the Senate Order relative to authorizing the joint committee on the Judiciary to sit during the recess of the General Court for the purpose of making an investigation and study of various Senate documents pertaining to judicial matters (Senate, No. 1863);

Of the Senate Order relative to authorizing the joint committee on the Judiciary to sit during the recess of the General Court for the purpose of making an investigation and study of various Senate documents pertaining to judicial issues (Senate, No. 1864);

Of the Senate Order relative to authorizing the joint committee on the Judiciary to sit during the recess of the General Court for the purpose of making an investigation and study of various Senate documents pertaining to judicial matters (Senate, No. 1865);

Of the Senate Order relative to authorizing the joint committee on Public Safety to sit during the recess of the General Court for the purpose of making an investigation and study of Senate document numbered 378, relative to the Board of Boiler Rules (Senate, No. 1866);

Of the Senate Order relative to authorizing the joint committee on Public Safety to sit during the recess of the General Court for the purpose of making an investigation and study of Senate document numbered 1178, relative to protective gear for renters of inline skates (Senate, No. 1867);

Of the Senate Order relative to authorizing the joint committee on Public Safety to make an investigation and study of Senate documents relative to steam boilers and low pressure boilers (Senate, No. 1868); and

Of the Senate Order relative to authorizing the joint committee on Banks and Banking to make an investigation and study of various House documents relative to chartering of banks and credit unions and related matters (Senate, No. 1869);

And recommending that the same severally be referred to the Senate committee on Rules.

**Under Senate Rule 36, the reports were severally considered forthwith and accepted.**

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

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4447) of Mary Jeanette Murray and Robert L. Hedlund (by vote of the town) relative to authorizing the town of Hull to convey a certain parcel of land to the Friends of Hull Scouting, Inc.;

Petition (accompanied by bill, House, No. 4448) of Thomas J. O'Brien and Therese Murray (by vote of the town) for legislation to authorize the town of Kingston to accept certain streets as public ways; and

Petition (accompanied by bill, House, No. 4449) of Bryan D. Wood, William M. Straus, Mark C. Montigny and others (by vote of the town) relative to the appointment of harbormaster, assistant harbormasters, shellfish warden and assistant shellfish wardens in the town of Fairhaven;

**Severally to the committee on Local Affairs.**

Petition (accompanied by bill, House, No. 4450) of Paul C. Casey, Michael E. Festa and Richard R. Tisei (by vote of the town) relative to the reinstatement of certain employees of the town of Stoneham;

**To the committee on Public Service.**

A Bill authorizing the Commissioner of Revenue to act on a certain application for abatement (House, No. 930, amended,— on petition),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

### **Bills**

Authorizing the town of South Hadley to convey certain recreational land (House, No. 1030,— on petition) [Local approval received];

Authorizing the town of Hudson to convey an easement across a certain parcel of land used for conservation purposes (House, No. 2563,— on petition) [Local approval received]; and

Authorizing the town of Shirley to establish a sewer commission (House, No. 4270,— on petition);

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

### **Reports**

Of the committee on Counties, 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 on the part of the House.

Of the committee on State Administration, asking to be discharged from further consideration of the message from His Excellency the Governor (accompanied by bill, House, No. 3960) recommending legislation relative to providing for the improvement of public libraries,— and recommending that the same be referred to the committee on Long-Term Debt and Capital Expenditures.

Of the committee on Natural Resources and Agriculture, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 290) of James R. Miceli for an appropriation of a sum of money for certain acquisitions by the Middlesex Canal Commission;

Of the petition (accompanied by bill, House, No. 831) of Steven Angelo, Robert F. Fennell and Thomas M. McGee relative to the abatement of costs of certain water and sewer projects;

Of the petition (accompanied by bill, House, No. 1773) of Robert A. DeLeo and other members of the General Court for legislation to establish a sewer rate relief fund for the purpose of providing assistance for rate increases;

Of the petition (accompanied by bill, House, No. 1774) of Robert A. DeLeo and other members of the General Court that the Walnut Hill water treatment plant, so-called, be eligible for debt service assistance from the Sewer Rate Relief Fund;

Of the committee on State Administration, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 2222) of Paul E. Caron for legislation to increase the fee for preparing and mailing of motor vehicle accident reports under the public records law; and

Of the petition (accompanied by bill, House, No. 2422) of Mary Jeanette Murray, Robert L. Hedlund and David M. Peters for legislation to prohibit certain public authorities from appropriating funds to encourage public lobbying efforts;

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 report of the committee on Education, Arts and Humanities, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 203) of Richard J. Faulkner and others that police departments be required to notify school superintendents upon the issuance of felony complaints against students, and recommending that the same be referred to the committee on the Judiciary,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

A Bill relative to the sale of alcoholic beverages on certain holidays (House, No. 3835, changed,— on Senate, No. 353),— was read.

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

### ***Resolutions.***

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

Resolutions (filed by Mr. Lees) "honoring Joseph H. Scanlon upon being named the 1999 Grand Marshal of the East Longmeadow Fourth of July Parade";

Resolutions (filed by Mr. Montigny) "honoring David Leitao";

Resolutions (filed by Ms. Tucker) "congratulating William T. Downs on his many years of dedicated service to the town of Andover;

Resolutions (filed by Ms. Wilkerson) "congratulating John B. Cruz, Jr., on his eightieth birthday"; and

Resolutions (filed by Ms. Wilkerson) "honoring Norma Rogers."

### ***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 West Boylston Water District (House, No. 4041),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

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

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 validating a certain vote passed by the town of Westborough (printed in House, No. 4393).

**There being no objection, the rules were suspended, on motion of Mr. Bernstein, 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 eleven minutes past eleven o'clock A.M., the Chair (Ms. Melconian) declared a recess subject to the call of the Chair; and at twenty-three minutes before twelve o'clock noon, the Senate reassembled, Ms. Melconian in the Chair.

#### PAPERS FROM THE HOUSE.

##### *Emergency Preamble Adopted.*

An engrossed Bill relative to the sale of alcoholic beverages on certain holidays (see House, No. 3835, changed), 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.**

A Bill making certain appropriations for the fiscal year ending June 30, 2000, prior to final action on the General Appropriation Bill for said fiscal year (printed in House, No. 4464, changed, being a message from Her Honor the Lieutenant-Governor, Acting Governor),— was read.

**There being no objection, the rules were suspended, on motion of Mr. Bernstein, 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-one minutes before twelve o'clock P.M., the Chair (Ms. Melconian) declared a recess subject to the call of the Chair; and, at half past twelve o'clock noon, the Senate reassembled, the President 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 President and laid before the Governor for his approbation, to wit:

Relative to the sale of alcoholic beverages on certain holidays (see House, No. 3835, changed); and

Making certain appropriations for the fiscal year ending June 30, 2000, prior to final action on the General Appropriation Bill for said fiscal year (see House Bill, printed in House, No. 4464, changed).

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

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